







# COMMERCIAL DICTIONARY:

CONTAINING

THE PRESENT STATE

OF

## MERCANTILE LAW,

PRACTICE, AND CUSTOM.

INTENDED FOR

THE USE OF THE CABINET, THE COUNTING-HOUSE,

AND THE LIBRARY.

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BY JOSHUA MONTEFIORE,

AUTHOR OF COMMERCIAL PRECEDENTS,

*&c. &c.*

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TO

THE RIGHT HONOURABLE

LORD ELLENBOROUGH,

*LORD CHIEF JUSTICE OF ENGLAND,*

TO WHOSE LEGAL KNOWLEDGE, TALENTS, AND APPROVED INTEGRITY

MERCANTILE JURISPRUDENCE

AND THE PROTECTION OF PERSONS AND PROPERTY,

ARE ENTRUSTED,

THIS WORK

IS,

WITH HIS LORDSHIP'S PERMISSION,

MOST RESPECTFULLY DEDICATED,

BY

*Montefiore*





## P R E F A C E.

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**I**f ever there was a period which could make the present Work more particularly valuable and appropriate, it is at a moment when the increased and widely extended territorial acquisitions of Great Britain in every part of the Globe, have rendered her commercial relations at once extensive, various, and important, beyond example of any other age—beyond example of any other nation.

At a time when this country is the emporium of commerce, when merchants from all quarters of the world throng to our marts, the development of the principles which regulate the vast machine of mercantile intercourse, must necessarily be interesting to those individuals who are the subjects of its operation.

Such is professedly the intent of the present Publication ; its utility, therefore, is sufficiently obvious, and the Author, although highly honoured, is by no means surprised at the distinguished, and, perhaps, unprecedented patronage which he has already received : a patronage, which, gratifying as it is at present,

present, will, he trusts, be redoubled if his execution should prove commensurate with the importance of his design.

The merchant occupied in his counting-house, amidst variety of business has little leisure to consult those voluminous works, which comprehend and elucidate commercial legislation, and the almost inexpressibly diversified cases which have been determined constructive of those laws: the custom of merchants is, indeed, universally decided by a jury of commercial men; and by a tribunal so conversant with mercantile relations, such points will always be best adjudged. Questions may nevertheless occur, participating both of law and fact, in which the court and jury may be said to hold a divided jurisdiction; and under such circumstances it may be necessary to know those cases which have been previously settled, and in what degree legal analogies approximate to the subject in litigation.

The Author has selected his materials from the enactments of the legislature, and the reporters and commercial writers of the most acknowledged authority. He has freely availed himself of the voluminous library of the lawyer, and the assistance of mercantile men; together with that great mass of information which the increased commerce of this country has produced *during the last twenty years of the eighteenth century*, and which has never yet been presented to the Public in such a systematic form, as reduces the general result of this combined intelligence into moderate compass, and adapting it to the use of the *counting house*, as well as to the *library* of the *Statesman* and *Scholar*.

His arrangement he conceives to be the best calculated for perspicuous communication and practice; the form of a Dictionary suggested itself as calculated to the end proposed: this mode has also the additional advantage of enabling him to treat more copiously on subjects of greater comparative interest. Hence it may perhaps be found, that the important heads of BANKRUPTCY, BILLS of EXCHANGE, CUSTOMS, EXCISE, EXPORTS, IMPORTS, INSURANCE, LAW of NATIONS, NAVIGATION, PLANTATIONS, and SHIPPING, are an incorporation of complete systems; for the length of which the compiler knows he needs no apology to his *professional*, and he trusts his *commercial* readers will not require any.

Having premised thus much, he ventures before that tribunal from whose judgment there is no appeal, conscious that his intention has been good and his researches have been indefatigable.





## PRELIMINARY ESSAY.

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WHEN this globe was created with a variety of soil and climate, and became peopled with inhabitants whose capacities and propensities were yet more various, a solid and lasting foundation was laid, by mutual wants and mutual necessities, for an exchange of the productions of nature and of art; and by these means a sort of equilibrium was established between the demands and superfluities of nations and of individuals.

For the history of commerce in ancient times, materials are not only few in number, but deficient in that authenticity and accuracy which in all commercial or statistical inquiries constitute their principal value. One general conclusion is however to be formed, and that with as great a degree of certainty as any other deduced from the history of mankind, namely, that those spots of the earth in which commerce or the arts have settled for a time, have uniformly become rich, powerful, and luxurious; and that the pride and indolence which attend wealth, aided by the envy and energy of those who wish to participate in it, have constantly removed the famed seats of commerce and arts to other regions. From Babylon, Tyre, Carthage, and Palmyra, to Venice, Genoa, Lisbon, and the Low Countries, we learn the same lesson, and see an uniformity of effect, that removes every thing problematical with respect to uniformity of cause.

Leaving, then, the commerce of the ancient world in that obscurity in which distance of time and want of information have involved it, let us take a rapid survey of the rise and progress of wealth in this country, the materials for which are not quite so scanty, and are more immediately connected with the causes of the striking prosperity which it at this moment enjoys. From the vicissitudes of other commercial nations, let us learn caution: from the history of our own, let us endeavour to ascertain the means by which prosperity has been attained, how it may be still farther augmented, and rendered more permanent than in any case of which we have hitherto had an example.

Most nations upon record that rose to eminence and wealth by commerce, were *merchants and carriers* for others, rather than *the manufacturers* of those articles in which they dealt. It is true, that manufactures and commerce always go more or less linked in the same chain; but it is equally true, that in no great nation has the proportion which the productive industry of the people bore to the mercantile, been so great as in England. This is a circumstance of the most agreeable nature, as the mere carrying trade may be destroyed or turned from its channels by wars, treaties, or new alliances, while that portion of trade which is founded on internal industry, and superiority of manufactures, is secure from all such capricious or eventual destruction.

As this country produces almost all the necessaries of life, or the materials of which they are composed, in times when luxury had made but little progress, England had no great occasion for importing foreign produce or manufactures. Woollen cloth, linen, French and Rhenish wines, with a small quantity of the productions of the east, such as cinnamon and other spices, were the only articles worth mentioning that she imported, and Flanders alone supplied her with almost the whole. Her exports consisted of tin, lead, wool, and leather, in its raw state. But even then her exports exceeded in amount the imports, and left a balance, though small, in her favour. Corn was occasionally exported, but never to any great amount; and as it was sometimes imported, the average balance in favour of the country on that article was not considerable.

As the exports of England consisted of raw materials, and its imports in part of those very materials manufactured by the Flemings, it had not then the smallest right to be called either a manufacturing or commercial nation.

The first and only merchants in Europe, previous to the crusades, were established in Italy; and the first merchants in England were Germans of the Steelyard in London. We had no shipping of our own until a little previous to the reign of Edward III. Ship-building and commerce began then in the Cinque Ports, lying nearly opposite to France and Flanders. Edward was the first of the English monarchs who, foreseeing the advantages of commerce and manufactures, gave them encouragement and protection.

In those days the monarchs of Europe considered commerce as below their notice, and left the pursuit of it to the Hans-towns, petty states, and free cities of Italy. The feudal system, which erected its standard all over Europe after the fall of the Western Empire, was of a nature extremely unfavourable to commerce. War, and civil or religious broils, occupied then exclusively the rulers of the human race; and of this state of things, Sir William Temple says, with equal truth and propriety:

“The kingdoms and principalities were then like the noblemen and gentlemen in a country; the free states and cities like merchants and traders: these at first despised by the others, the others served and revered by them; till, by the various course of events in the world, some of the mercantile class grew rich and powerful by industry and parsimony, and some of the others poor by war and luxury; which made the traders begin to take upon them and carry it like gentlemen, and the gentlemen began to take a fancy of falling into trade. The great monarchs of Christendom for many centuries concerned themselves only in the trade of war; in the quarrels of the Holy Land; in those between the pope and the emperors; and sometimes in the mighty wars between England and France, France and Spain, Christians and Turks, &c. &c.”

When Britain once found the gain that results from foreign trade, and became in some degree acquainted with the nature of manufactures, it discovered immediately those natural advantages which rendered it capable of carrying both to an extent superior to other nations, as commerce had at all times flourished most either in islands, on the borders of the sea, or of navigable rivers. Hence trade and manufactures began to increase, though by slow degrees, till, by the discovery of America, and of a passage to the East Indies by the Cape of Good Hope, the ancient channels of commerce, and the projects and views of commercial men, became completely changed.

changed. The Mediterranean sea, to which the commerce of Europe had till then been chiefly confined, gave place in importance to the *open ocean*; and the making conquests or establishing colonies in the newly discovered countries, drew the minds of speculating and enterprising men to objects which at length connected commerce with projects of sufficient splendour to attract the attention of sovereigns and states of the first magnitude.

Spain and Portugal had acquired such quantities of treasure from the conquests in the New World, that it was impossible for any monarch, who had the power, to withstand the temptation of making an effort to participate in such a mine of wealth. Fortunately for England it never discovered any mines of gold or silver, which only serve to gratify avarice, but banish industry. The possessions that fell to the lot of this country were all of such a nature as required industry, and the establishment of manufactures and commerce, in order to reap from them those advantages with a view to which they had been sought after.

In addition to the enlivening influence of royal attention which Edward III. bestowed on commerce and manufactures, two circumstances tended greatly to the introduction of the latter into this kingdom. The first was the persecution exercised by the duke of Alba over the protestant Walloons, who, in seeking a place of refuge in which they might worship their Maker; agreeably to the tenets of their faith, and follow their industry in safety, brought over with them into England many of those arts which have greatly tended to the wealth of this country. The second was at a much later period of the same nature, when Lewis XIV. revoked the edict of Nantz, by which the protestants had been protected throughout the whole of his extensive dominions. On this occasion, another influx of industrious manufacturers arrived and settled in this country, which felt in a most astonishing manner the beneficial effects that resulted from a measure in itself so unjust and inpolitic.

The manufacture of woollen cloth, which has become so great in this country, was so little known in the 14th century, that there is in Rymer's *Fœdera*, page 496, the copy of a letter of protection from Edward III. for John Kemp, of Flanders, a woollen cloth weaver, who came over to exercise his trade in England, and to teach such of our people as might incline to learn it; the king taking the said Kemp, with his servants, apprentices, goods and chattels, into his royal protection, and promising the same to all others of his occupation, as also to all dyers and fullers who should incline to come and settle in England. Thus was that acorn deposited from which has sprung the great oak. In the year 1331, in consequence of this encouragement, no less than 70 Walloon families, in the woollen manufacture, came over to settle under similar circumstances with John Kemp, and favoured by similar protection.

Nothing is more difficult than to ascertain the amount of mercantile transactions in early times, and compare them with those of the present day; but it appears that at the period above-mentioned a vessel of 40 tons burthen was considered in England as above the ordinary size, and a Genoese vessel of great size and value, loaded with East India goods, of a precious nature, was valued at 14,300 marks, which is equal to about 26,700*l.* of our present money.

Four years after the introduction of the first woollen weaver from Flanders into this country, an act of parliament was passed to prevent the exportation of the raw material (wool), and holding out protection and encouragement to all cloth workers who should come from foreign



parts. By another act, all persons other than the king, queen, and royal family were prohibited from wearing any cloth that was not manufactured within the realm. The importation of foreign cloth was also forbidden on pain of forfeiture and other punishment. But so zealous were the weavers of our own coarse cloths of the introduction of better workmen from abroad that, in 1344, a London mob, principally composed of and instigated by them, insulted and maltreated the foreign weavers, so that they could not carry on their business in security; and warrants were issued by the king to the mayor and sheriffs to imprison the ringleaders in the jail of Newgate.

It may not be improper just to mention, by way of contrasting these times with the present day, that when there were not an hundred good wool weavers in all England, there were thirty thousand students at the University of Oxford. This fact is curious, and it is by no means improbable that many of our numerous weavers at the present day can read and write better, and are men of more extensive knowledge than many of those students who made learning their only employment.

Some idea of the towns in England at that time, and of their relative population and importance, may be formed from the requisition made to furnish armed men to support the war carrying on against France.

London	- -	1000 Men.	Leicester	- -	} each 12 Men.
Norwich	- -	120	Shaftesbury	- -	
Bristol	- -	60	Baldock	- -	}
Coventry	- -	40	Huntingdon	- -	
Oxford	- -	} each 30	Ludlow	- -	
Shrewsbury	- -		Abingdon	- -	} each 10
Hereford	- -		Bedford	- -	
St. Edmondsbury	- -		Rochester	- -	
Winchester	- -		Maidstone	- -	}
Salisbury	- -	}	Barnstaple	- -	
Exeter	- -		Honiton	- -	
Northampton	- -	25	Froome	- -	}
Cambridge	- -	} each 20	Taunton	- -	
Glocester	- -		Stafford	- -	
Worcester	- -		Warwick	- -	} each from 2 to 10
Reading	- -		Devizes	- -	
Chichester	- -	}	Birmingham	- -	
Bodmyn	- -		Bridgewater	- -	
St. Alban's	- -		Bradford	- -	
Wilts	- -	} each 15	Dorchester	- -	
Lancaster	- -				

Manchester,



Manchester, Liverpool, Hull, Newcastle, and many other considerable towns, are not mentioned at all. As York, a greater place than almost any that is mentioned except London, is not noticed, probably there was some composition made in money or otherwise; but so far as the towns are rated, it may be considered as a rule for estimating their relative degree of importance.

With respect to shipping and naval importance, the following curious facts will give some idea.

The fleet lying before Calais in 1347 consisted of 738 English ships, carrying 20 men each; 15 ships from Bayonne and Guienne, with 30 men in each; from Spain 7 ships, with 26 men in each; 14 ships from Flanders, with 10 men in each; one from Ireland, and one from Guelderland, with 25 men in each: making in all 15,781 mariners, 14,956 of whom were English, 25 Irish, and the remainder foreign seamen.

Of the great number of English ships, 25 only belonged to king Edward, and they were smaller than the others, carrying only 17 men each. The other vessels were furnished by the different sea-ports; something in the manner of a marine militia. In the Cottonian library there still exists a list of the quotas furnished by the different sea-ports, on which list Yarmouth is the first.

	<i>Ships.</i>	<i>Men.</i>		<i>Ships.</i>	<i>Men.</i>
Great Yarmouth	- 42 <sup>3</sup>	- 1905	Weymouth	- - 20	
Fowey	- - 47	- 1770	Southampton	- - 20	
Dartmouth	- - 31	- 757	Lynn	- - 19	
London	- - 25	- 662	Newcastle	- - 17	
Bristol	- - 24	- 608	Hull	- - 16	
Plymouth	- - 26	- 603	Harwich	- - 14	
Shoreham	- - 26	- 515	Ipswich	- - 12	
Hythe	- - 25	- 419	Scarborough	- - 1	
Sandwich	- - 22		York	- - 1	
Dover	- - 21		Wrangel	- - 1	
Winchelsea	- - 21		Mcrsey	- - 1	

By comparing the number of men furnished by London for the army, and the number of ships, it is clear that it was greater as a city than as a place of trade; this is farther corroborated by the circumstance that a plague which raged in London at that time, carried off above 50,000 persons, who were buried in a ground called Pardon Church-yard, where the Charter-house now stands.

Grants made by parliament to enable the king to carry on the war were reckoned by sacks of wool, and frequently paid in that commodity; and when the kings were under great pecuniary embarrassments, they sometimes put the wool of the country in requisition, and sold it to raise money-

By a record in the exchequer, it appears that in the year 1534 the foreign trade of England was as under :

Exports from England to all parts, reduced to money of the present day	£. 883,000
Imports	117,000
Balance in our favour	£. 766,000

This balance in favour of England is very great in proportion to the whole amount of the trade. It nearly all arose from the articles of wool, wool-fels, lead, tin, and leather; for though the exportation of wool had been forbidden, with a view to encourage the working it into cloth at home, yet the necessities of the state compelled the king to permit the continuance of that practice, on account of a duty that had, by a strange inconsistency, not been repealed, when its exportation was prohibited. Another evident reason was, that by the introduction of a few workmen only, it was impossible in ten or a dozen years to be able to convert all the raw material into a manufactured article, so that exportation must inevitably continue.

The imports consisted at that time chiefly in fine cloths, wine, wax, groceries, and some fine linen.

The whole of the customs amounted then to the sum of 246,000*l.* (present money) of which the duties on imports made only 1,741*l.* a proof that the system of encouraging trade, as since practised, was little understood, as the duties on exports amounted to about 30 per cent. while those on imports did not amount to above five.

It is plain from the above statement, that however unimportant our manufactures might be in respect to the supply of foreigners, all wants at home were provided for by the country itself, 1831 fine cloths, of the value of 18*l.* each, being the only manufactured article imported.

A society of merchants arose about this time, called the Brotherhood of St. Thomas à Becket, out of which sprung the company of Merchants Adventurers; and Wheeler, the secretary to that company, asserts in a publication (1601) that so far back as the year 1358, the Brotherhood received ample privileges from Louis count of Flanders, for fixing their house or staple at Bruges; and as those merchants did not deal in the raw material, but in manufactured cloth, the rapid progress made in the weaving art in England, even at first, is abundantly evident.

These were, in a commercial view, the infant days of England; but in warlike glory they have never been excelled. The battle of Cressy, the conquest of some of the fairest provinces of France, and the captivity of its monarch, were the achievements of the brave Edward and his son.

The wealth that follows commerce, and the want that follows war, are strongly exemplified by the history of this brilliant period. Isabella of France married to the king of England, with a portion or dowry equal to 6000*l.* while Viscompte duke of Milan gave with his daughter to Lionel duke of Clarence 200,000 crowns, or about 90,000*l.* Milan was a place of trade, for Italy and Flanders then nearly monopolized the whole commerce of Europe.

Regulations in favour of the herring fishery and fair at Yarmouth were made at the same time,

time, and it is astonishing to think how much attention a monarch engaged in such desperate and glorious wars bestowed on commerce, and how well directed he was in his views on the subject, considering the ignorance of the times in which he lived.

This period is remarkable for a triumph obtained by the mercantile interest over that of piratical depredators. Denmark had for 500 years been the terror not only of England, but of all the countries in the south of Europe; but now the associated Hanseatic league, composed entirely of commercial cities, and which had for some years been at war with Waldemar III. king of Denmark, drove him out of his kingdom, took the castle of Copenhagen, and made prisoners numbers of the Danish nobility.

In the History of the Hanseatic League, written by Werdinshagen, it is stated that 64 cities and towns contributed annually 2069 dollars, for the ordinary expences of the confederacy. In the annals of trade and commerce, this is too curious and interesting a document to be entirely omitted. Lubec and Cologne paid 100 dollars each, Hamburg 80, Dantzic 80, Bremen 60, and the others various sums from 10 to 50 dollars each.

Besides the towns that had directly entered into the league, there were a great number considered as aliens, which probably contributed to the general expenditure on extraordinary occasions, such as the war with Denmark.

The settling balances between merchants in different countries becoming more difficult as commerce advanced, bills of exchange were invented, as a means of adjustment between individuals; but in the beginning of the 15th century, transactions of this sort were so uncommon, that Henry IV. granted leave to Philip d'Albertis, a rich Lombard merchant, residing in London, to give a bill of exchange (*literam cambii*) on his partners abroad for 2,500 marks sterling, to the bishop of Bath and Wells, or his attorneys, on condition that neither the said gold received for the bill of exchange, nor any other gold or silver, either in bullion or coin, be transported beyond sea, under colour of that licence, upon pain of forfeiting all the money so transported.

Though in the example given of the amount of the exports and imports, the balance of trade was then greatly in favour of England, yet in future times the matter was otherwise.

In 1470, seven Spanish ships laden with iron, wines, fruits, wool, &c. being taken by some English vessels, the following terms were demanded as an indemnity for the vessels and cargoes:

One ship of 100 tons	£.107	10s. sterling.
One do. 70 do.	70	
One do. 120 do.	110	
One do. 110 do.	140	
One do. 40 do.	70	
One do. 110 do.	150	
One do. 120 do.	180	

They valued on oath these commodities as under:

Iron	-	£.4	10s. per ton
Spanish wool	4		per sack
Bourdeaux wine	5		per tun.

Commerce was sometimes encouraged by the kings of England, and sometimes oppressed, as were all arts and trades, so that they advanced but slowly, particularly during the civil wars, and other evils with which England was afflicted. Regulations, however, were made to prevent frauds in the manufacturing of cloth, and other articles of importance; which shows that, as far as they understood how to accomplish the end, the legislature and government of the country sought to protect and improve trade and commerce.

The Hanscatic league, of which, as a commercial phenomenon, we have had occasion to speak, was first humbled by the Dutch, and its importance declining, the subscribers (for it was merely a subscription entered into for mutual interest and protection) fell off. It remained at its zenith about 70 years, and was of considerable power and importance for a still longer period, but has constantly since been on the decline; and though the cities are flourishing still, nothing remains of the league but the name, and the remembrance of what it once was.

A solid foundation was certainly laid for the manufactures of England, at a very early period; but without foreign commerce, manufactures can never come to any great perfection in a country; and had it not been for the discovery of the continent and islands of America, our commerce never could have attained any thing equal to its present magnitude, as the whole theatre of the Old World did not afford the means of such vast extension and superiority.

The influx of the precious metals from South America, rendered a metallic circulating medium more abundant than it had till then been, so that barter ceased to be almost the sole mode of transacting sales and purchases on the great scale. This circumstance was a great aid to the extension of commerce, for though barter is a profitable and convenient mode of dealing when all circumstances suit, yet the situations under which such transactions can take place are not very frequent.

The discoveries of printing, of gunpowder, the mariner's compass, and the New World, altered almost completely the circumstances of mankind, and the situation of nations with respect to each other. The Mediterranean Sea, and the cities on its coasts, now lost that pre-eminence over the rest of the world, which they had till then enjoyed.

During the reign of Henry VIII. a riot took place in London (1518) on account of the number of foreign workmen, artists, and merchants, who resided in and about the metropolis; it consisted of servants, apprentices, priests, and watermen. The complaints against foreigners, says Hall in his History of Henry, were, "That such numbers of them were employed as artificers, that the English could get no work. That the English merchants had little to do by reason that the merchant-strangers bring in all silks, cloths of gold, wine, oil, iron, &c. that no man almost buyeth of an Englishman; they also export so much wool, tin, and lead, that English adventurers can have no living. That foreigners compass the city round about in Southwark, Westminster, Temple-bar, Holborn, St. Martin's-le-Grand, St. John's-street, Aldgate, Tower-hill, and St. Catherine's; and they forestall the market, so that no good thing cometh for them to the market, which are the causes that Englishmen want and starve, while foreigners live in abundance and pleasure. That the Dutchmen bring over iron, timber, and leather ready manufactured, and nails, locks, baskets, cupboards, stools, tables, chests,



“ chests, girdles, saddles, and painted cloths.” The conclusion from this is evidently, that the foreigners were either more expert or more industrious than the English themselves, and not being free of the city, crowded round it in every quarter.

In 1530, the city of London obtained a decree of the star-chamber, representing and setting forth—

1. “ That the realm is over-run with foreign manufactures.
2. “ That foreigners export bacon, cheese, powdered beef, mutton, &c. whereby great portions of corn, victual, &c. bred within the country, are consumed.”

Dr. Tucker said, “ That this and the like proceedings and persecutions were the occasion that many foreigners withdrew from us, and that the woollen manufactures declined, foreign cloth being sold cheaper than our own; the nation grew thinner of people, and provisions not selling so well, the proprietors turned much land into sheep walks, for supplying the Netherlands with wool.”

It is certain, that about this time many regulations were made, and heavy penalties enacted for those who should convert corn lands into pasturage, and against decaying houses for husbandry or villages. Whenever penalties of a severe nature are enacted it is a presumption that the thing they are intended to prevent exists, though perhaps it is not an evil.

Henry VIII. was a monarch who did not understand commercial affairs; besides which, the despotism exercised by Wolsey in his name was sufficient to prevent any great progress from being made in it. Monopolies were then given sometimes by royal authority and sometimes by act of parliament, to the very great detriment of general trade. Of this a very flagrant instance occurs respecting the manufacture of coverings for beds in the city of York. It was represented in a petition from that city, “ that the handicrafts in that city had formerly subsisted chiefly by the manufacture of coverlets or coverings for beds, but that of late years sundry evil disposed persons, apprentices, not expert in the business, had withdrawn themselves into the country, where, residing in villages, they intermeddled in the said craft, making coverlets of bad materials and of an improper size, which they hawked about and sold at private houses, &c.” The act passed in consequence of this petition forbade the manufacture to all but those residing in the city of York.

In the 2d and 3d of Edward VI. laws to prohibit forestalling and combinations of workmen to raise wages, &c. were made. A clause was also added, permitting all workmen relating to building of houses to carry on their trade in corporate towns or wherever they might think fit. This last part of the act was however repealed at the request of the city of London, which being the king's chamber and most ancient city of the realm, and subject to great expences in paying taxes, tallages, scot and lot, &c. set forth that the permission given would be hurtful to it, and was unjust. Though London only petitioned for itself, the repeal was general.

Many excellent regulations were made to prevent the practice of frauds in manufacturing, dyeing, stretching, measuring and selling of cloth, appointing overseers, and enacting penalties, &c.

Mr. Anderson, in his elaborate and instructive History of Commerce, speaking of this period (1552), says, "The time was now come when the eyes of the English nation were opened in the folly of suffering the house or college of German merchants, called the Steelyard, so long to enjoy advantages in the duty or custom of exported English cloths, far beyond what the English enjoyed themselves."

These factors at the Steelyard, who principally traded with Antwerp and Hamburgh, in general set whatever price they pleased both on exports and imports, and having the command of all the markets, with a joint stock, they broke all other merchants. Upon these considerations the Merchant Adventurers made pressing remonstrances to king Edward's privy council. They accused the Hanseatic towns, and particularly Dantzic, of defrauding the customs by importing goods in their own name, which belonged to others who were not entitled to the same immunities, and of corrupting, by presents, the custom-house officers. The report stated, that while in the preceding year all the English merchants together had only exported 1,100 cloths, they alone had exported 44,900. Various other grievances, perhaps not so real, were enumerated, and upon due and mature consideration, and hearing the defence made by the foreign merchants, the result was, that the king and his council were of opinion that the Hanseatic towns pretended to privileges which, by the laws of this kingdom, they could not possess, having no sufficient corporation to receive the same. That these pretended privileges did not extend to any persons or towns certain, and therefore it was uncertain to what towns or persons the privileges should be extended, so that the immunities claimed had no limit or bounds, and that supposing the said privileges were real, they had been forfeited. It was farther answered by the council, that when these immunities were granted, and for 100 years afterwards, the persons so favoured carried on only a direct trade between England and their own countries; whereas then they had become general carriers, dealing in all articles with all nations. Other reasons respecting reciprocal treatment of English merchants were also given, and the council decreed that the privileges, liberties and franchises claimed by the said merchants of the Steelyard should be and remain seized and resumed in the king's hand, until the merchants should maintain their claim upon better grounds, preserving, nevertheless, to the said merchants full liberty of coming into England and trafficking in as ample a manner as any other merchant strangers. Such was the beneficial effect to our merchants of this wise measure, that the year after the English merchants shipped off 40,000 cloths for Flanders.

There could be no stronger instance of the evil effects of exclusive privileges and monopoly than this; nevertheless, queen Mary, on her marriage with the emperor's son in 1554, reinstated the company in all its rights; but finding that the customs fell off, and the trade of her subjects was injured, the rights were again revoked. Perhaps the influence of the queen's husband had fallen off as much as the customs in her ports; for as she was not guided by reason or justice in renewing the privilege, it is not absolutely necessary to find her supported by either on the occasion of her revoking them.

It was during this reign that the first commerce with the Russians commenced, and the Russia Company was established, to which the Czar John Basilowitz granted great advantages. An attempt

attempt was made to trade with India by the river Duina, Wologda, and the Caspian Sea, but it proved too tedious and expensive.

The advantages of commerce had begun to be felt and understood when queen Elizabeth mounted the throne, and, treading in the steps of Edward III. she no sooner began to reign than her attention was turned to commerce, and by one charter confirmed all the former charters granted to the Merchant Adventurers of England.

The manufactures of hosiery, cutlery, glass, and many others of inferior importance, begun in this country about the same time. Fisheries now began to meet with solid encouragement, and prohibitions or heavy duties were laid on the importation of such articles as rivalled our home manufactures. One act prohibits the importation of girdles, rapiers, knives, sheaths, hilts, pumrels, lockets, chapes, scabbards, horse furniture, gloves, points, leather, and laces and pins of all kinds. The woollen manufacture met with protection proportioned to its importance, and England advanced rapidly, the balance, which had so frequently been against her, becoming now decidedly and fixed in her favour.

The true principles of commerce were promulgated and put in practice in the very beginning of queen Elizabeth's reign, and many acts were passed that laid a solid foundation for commercial prosperity.

By a law made in 1563, entitled Constitutions for the Maintenance of the Navy, &c. herrings and other fish, caught on our coasts, are permitted to be exported duty free : no foreign ships allowed to carry goods coastwise from one port to another, and wines and woad permitted to be imported from France in English ships only. In the infancy of commerce it was impossible to fix on better modes for encouraging fisheries, manufactories, and navigation. In a more advanced state of things the same regulations might neither be necessary nor practicable, as the swaddling clothes of the infant would only encumber without strengthening the full grown man; but at a time when foreigners, by means of superior capital and knowledge of business, could carry every thing before them, such protective and encouraging laws were essential to the well being of this country as a commercial nation. Monopolies and exclusive privileges existed from the earliest times, and they originated in a desire of the sovereign to participate in the profits of trade, without either entering into the risques or the partnership ; but early in Elizabeth's reign we find a patent given on the principle on which such instruments are granted even in the present day ; we also find that beacons or sea marks were instituted at this time, on very judicious plans, in order to prevent vessels at sea from being shipwrecked on the coast. It was at this period that the cruelties of the duke of Alva produced such destruction in the Netherlands, and transferred the best of their manufactures, together with a prodigious capital, to England and other places. Meterani says, in his *Historia Belgica*, book 3d, that after the duke had hanged, beheaded, and burned such numbers, yet so many fled to find shelter and bread in foreign parts, carrying thither their arts and manufactures, hitherto scarcely known but in the Netherlands, that the decayed cities of Canterbury, Norwich, Sandwich, Colchester, Maidstone, Southampton, and many others, were filled with manufacturers of woollen, linen, silk, &c. It was then that Norwich learned to manufacture those light stuffs for which it has ever since been famous.

The persecution and banishment of the Moors from Spain co-operated with the cruelties of the duke of Alva, in fixing the cloth manufactory in England; not that the Moors emigrated and settled in this country as the Flemings did, but that Spain, which had been a famous country for manufactures, never recovered the blow, and has gone on declining year by year ever since that cruel, unjustifiable, and impolitic measure.

At the beginning of the reign of queen Elizabeth the customs were farmed at 14,000*l.* a year by Sir Thomas Smith; she raised them first to 42,000*l.* and at last to 50,000*l.* still letting them to Sir Thomas Smith.

The navy of France in the time of that great king Henry IV. consisted of six or eight ships of war at Brest and Rochelle, and 20 galleys in the Mediterranean, and queen Elizabeth assigned the sum of 8970*l.* yearly for the repairs of her fleet!!

The rising greatness of English merchants and manufacturers did not pass without exciting jealousy on the continent, particularly amongst the members of the Hanseatic league, who, like all declining but wealthy bodies, beheld with contempt the changes of circumstances that had taken place, and acted with their former insolence when they had no longer their former power. In 1591, Thuanus (lib. 100) relates, that a general assembly of the deputies of the Hans Towns was held at Lubec to treat of their rights and immunities, which they alleged the queen of England had daily endeavoured to impair, whereupon they sent letters to her majesty written with too much heat. The queen answered those letters in a contemptuous manner, telling them that though they had written to her with so little respect, yet she imputed it rather to their amanuensis than to themselves, at the same time letting them know how much she despised their menaces.

In the same year that the first voyage was made to India by sea, the Guinea company made their third voyage to the coast of Africa; and a number of merchants returned from an expedition to India, whither they had been, going from Aleppo to Bagdat, from thence down the Tigris to Ormus in the Persian Gulph, and again from thence to Goa. They found Venetian factories established at all those places, and experienced every sort of opposition from their resident factors that a rivalry in trade is apt to produce. After having visited Agra, Lahor, Bengal, Pegu, and Malacca, they returned by sea to Ormus, and from thence to Aleppo, by the same route. Much useful information was obtained by this journey over-land, preparatory to the sea voyage then just ready to take place.

In 1593, two of queen Elizabeth's ships joined in partnership with some merchant vessels, under the great but unfortunate Sir Walter Raleigh. Their first exploit was capturing a large Biscayner of 600 tons burthen; they next forced on shore on the Azores a large East-India carrack, which they burned; after which they took the largest of all the East-India carracks, of 1600 tons, 700 men, and 36 brass guns, laden with silk, drugs, spices, calicoes, gold, pearls, china ware, ebony, &c. valued in all at 150,000*l.* The prize was brought to Dartmouth, and divided amongst the adventurers, of whom the queen was the principal.

In 1596, in order to divert or anticipate the hostile designs of the king of Spain, Elizabeth sent out 126 ships of war, 17 of which only were her own; the remainder were hired, which proves the mercantile navy to have then been considerable. This fleet, accompanied by 24 Dutch



Dutch ships, sailed under the command of the earl of Essex and lord admiral Howard. Much booty was brought home by it, together with two galleons, and 100 brass cannon: eleven of the best Spanish ships were destroyed; and in all, the loss to Spain was estimated at 20,000,000 of ducats.

The Hans-towns and imperial interest uniting together, and finding a mortal struggle existed between them and the queen of England, joined with Spain, and the English Merchant Adventurers were expelled from all parts of the German empire. This decided step was taken with a view to induce the queen to renew the privileges of the Steelyard merchants; but the queen, as resolute as she was right in her policy, after refusing and giving her reasons, in 1507 directed a commission to the lord mayor and sheriffs of London, ordering them to *shut up the house inhabited by the merchants belonging to the Hans-towns at the Steelyard in London, and at the same time ordered all the German merchants in England to quit her dominions on the same day that the English were obliged to quit Staden.*

An East-India company was first established at this time (1600) in shares of 50l. each, on the last day of the century, and with a capital of 72,000l. The first fleet consisted of

1	ship of	600 tons.			
1	—	300			
2	—	200			
1	—	130			
Total tonnage	-	-	-	-	1,330 tons.
Men	-	-	-	-	480
Value	-	-	-	-	£. 27,000

Such was the beginning of that great establishment which this day is possessed of such extensive territories and immense revenues in India!!!

In the year 1601, the Germans offered again to admit English merchants into their country; and were themselves afterwards admitted here; but there never was the smallest question of renewing the privileges.

When Elizabeth died in 1603, the English commerce and manufactures sustained a great loss. Her successor James, by uniting in his person the sovereignty of the whole island, was indeed the means of laying a more solid foundation than ever to the prosperity of the country; but he understood little of commercial affairs, and was not well aware of the advantages that result from a proper attention to such objects. The new monarch, however, intended well, and so far as he knew encouraged commerce. The Levant or Turkey company, of which the charter had expired, was renewed in 1605, on a better and more permanent plan than before. Companies were established the following year to trade to North America; the one was called the South Virginia Company, and the other the London Adventurers; and also a third, called the Plymouth Adventurers; to which three companies the trade of North America was parcelled out. A company was also established in order to discover a north-west passage, in consequence of which, captain Hudson, after various attempts to find both a north-west and north-east passage, discovered the bay to which he gave his name.

In 1613, in consequence of complaints made of the decrease of the exportation of English woollen goods, an order was made for taking an account of the exports and imports of all England, to ascertain the balance, and on which side it lay: (see Circle of Commerce, published 1623, p. 121, by Mr. Misselden, an eminent merchant.)

Exports to all parts, from Christmas 1612 to Christmas 1613	-	£. 2,097,640
Customs on those goods	- - - - -	86,794
Impost paid outwards on woollens, tin, lead, and pewter	- - - - -	10,000
Gains of merchants, freight, and petty charges	- - - - -	300,000
Total		£. 2,487,434
Imports, consisting of silks, gold and silver stuffs, wines, linen, &c.		
including customs thereon,	- - - - -	2,141,151
Balance in favour of England		£. 346,283

The total customs outwards this year, as before stated, amounted to	-	£. 86,794
Total inwards	- - - - -	61,280

Total customs	- -	£. 148,074
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Of this the port of London produced—Duties outwards	- - -	£. 61,322
Ditto inwards	- - - -	48,250

Total customs, London,	- - -	£. 109,572
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At this time (1614) the Russia company sent 13 ships to Greenland; the woollen manufactory at the same time received a great improvement, by dying the wool instead of the cloth as heretofore, so that mixed cloths could be manufactured from that time forward.

The shipping of England this year was as under:

To Portugal and Andalusia	- - - -	20 ships.
Bourdeaux, ships and barks	- - - -	60
Hamburgh, &c. by merchant adventurers	- - - -	35
Dantzic, Koningsberg, &c.	- - - -	30
Norway	- - - -	5
Naples, Genoa, Leghorn, Marseilles, &c.	- - - -	50

200

The Newcastle coal-trade at that time employed 400 sail, one half of which was for London, and the rest for other ports in England.

The Iceland fishery employed 120 ships and barks.

The Newfoundland fishery 150 ditto.



The innumerable privileges and regulations enacted by king James, which were neither made with the same wisdom, nor adhered to with the same constancy, as those of his great predecessor, did not, it appears, produce any beneficial effect, for great complaints were made of the decay of our home manufactures, particularly those of woollen stuffs; and the exportations and importations of the year 1622 stood as follows:

Total exports	-	-	-	-	£. 2,320,436
Total imports	-	-	-	-	2,619,315
					<hr/>
Balance against England	-	-	-	-	£. 298,879

King James made great and repeated efforts to introduce the production of silk into this country, but all his pains to promote the growth of mulberry trees and of silk worms turned out to little purpose: Nature did not favour the undertaking.

It was about this time that some plants of the sugar-cane were transplanted from the Brazils to the West Indies, and laid the foundation of the greatest branch of trade that this country now enjoys. The tobacco trade also was increasing, as the culture of that herb advanced in America, and the taste for its use prevailed more and more amongst European nations. It is an observation that must occur to every one conversant with the present and the ancient state of things, that three of the greatest branches of foreign trade arise from tea, sugar, and tobacco, the consumption of which articles was totally unknown a few centuries ago, and even within one century was very inconsiderable.

Though the increasing population in America and the other colonies was going on, and thereby laying a foundation for the augmentation of trade, yet the necessities of the king, and his unsteady conduct, prevented him from giving it that aid and support which it required.

The royal navy is now, and always must bear some natural proportion to the mercantile navy of the country; it is therefore illustrative of the situation as to extent of trade, to see what scale it was upon at different periods.

In 1640, 41, and 42, as appears from a work printed at the time, the expence of equipments voted by parliament was as under:

Ten king's ships, and ten merchant ships, employed in the narrow seas,					
during the year	-	1640	-	-	-
					£. 57,592 4 6
Ordinary of the navy same year	-	-	-	-	27,122 3 9
Ditto	1641	-	-	-	27,610 3 4
Ditto	1642	-	-	-	21,056 11 6
Other expences under a variety of heads	-	-	-	-	170,586 4 3
					<hr/>
					£. 303,967 7 4

Which divided by 3, the number of years, gives less than 102,000*l.* for the annual expenditure of the British navy 160 years ago.

The first monies levied by the parliament in 1643, without the consent and authority of the king, were by an ordinance for raising a sum of 1,773,600*l.* One of the means by which this was to be

be raised, was by doubling the sum for becoming a free member of the society of Merchant Adventurers, and of the Turkey Company, so that the republican spirit that broke forth at that period, laid its hand heavy on commerce at its first outset. A tax of 4d. a pound on our plantation tobacco, and one on beer and ale, calling it by the name *excise*, a term till then unused, was also introduced. As the authority of parliament only extended over certain counties, the king, in his own defence laid on similar duties in that portion of England that was under his authority.

In observing that the parliament began its career in laying a very heavy hand on trade, it is but fair to remark, that three years afterwards, in order to encourage the colonies of Virginia, Barbadoes, Bermudas, and other places, the duties on exports to those parts were taken off on the proper certificates being made, and security given that the goods were to be exported for the use of the said colonies. Provided always, that the same plantations do not suffer any of their produce to be loaded for foreign parts, in any other than British bottoms, under forfeiture of the said exemption from customs. "Hereby," says Anderson, in his History of Commerce, "the foundation was laid for the navigation acts afterwards, which may be justly termed the commercial palladium of Britain." This was only, however, a temporary regulation for three years; but king Charles II. after the restoration, by the acts of navigation, adopted, extended, and rendered permanent the same policy.

The parliament also prohibited the exportation of English wool, so that the woollen cloth manufactory flourished greatly. Spain had entirely lost her superiority in that staple commodity, and France had just begun to make vigorous efforts to rival this country, Holland, and the Netherlands. The manufacture of cloth at Sedan was established at this time; and while we allow the vast extent of our manufactures, and in general our superiority over the French, it is to be confessed that the article of fine broad cloth is carried to greater perfection at Sedan and Louviers, in France, than it is in this country, even to the present day.

The parliament, in the year 1650, made another excellent regulation in favour of our navigation and commerce, enacting that no merchandize, either of Asia, Africa, or America, should be imported into England, in any but English built ships, and belonging either to English or English plantation subjects, navigated also by an English commander, and three-fourths of the crew English; excepting, however, such merchandizes as should be imported directly from the original place of their growth or manufacture in Europe solely. Moreover, no fish should be imported into England or Ireland, nor exported from foreign parts, nor even from one of our home-ports to another, but what shall be caught by our own fishers only. This was the first form in which the navigation act, &c. was legally enacted and confirmed in 1660. The first effect of this act was the diminution of the Dutch carrying trade, as they had hitherto been the carriers for all Europe. The violent war that broke out with that republic in Cromwell's time, was the second consequence it produced; but since then it has had the happiest effects on this country.

One of the conditions of the peace which took place in 1654, was, that the ships of the Dutch, as well ships of war as others, should strike their flag, and lower their topsail, on meeting any of the ships of the English commonwealth at sea. This proves the advancement of the naval importance of England.

Cromwell concluded treaties of commerce with Portugal, Denmark, Sweden, and France, in 1654 and 55, and in the following year took Jamaica from the Spaniards.

The post-office all over England was at this time let out to farm for 10,000*l.* a year.

Thurloe, in his state papers, gives the budget, as it is now termed, of the year 1657, as follows :

Navy department	-	£. 994,500
Army in the three kingdoms	-	1,132,489
Civil government	-	200,000
		<hr/>
Total expence		- - £.2,326,989

Revenue.

Assessment of the three kingdoms	1,464,000
Excise and customs estimated at	700,000
Other revenues paid into the exchequer	198,000
	<hr/>
	2,362,000

Excess of revenue - - £. 35,011

After the restoration, one of the first acts was the navigation act, amending, enlarging, and confirming the two that had been granted first by the parliament during the civil war, and afterwards by the commonwealth. Though king Charles was always involved in pecuniary embarrassments, yet his accepting of the island of Bombay, in the East-Indies, instead of money, as a part portion with the princess Catherine of Portugal, proves, that he not only had well directed views in commerce, but good intentions.

In the arts at home, the manufacture of wire and that of dying scarlet were at this time introduced by Dutchmen. The making of clocks and watches, though long before known in England, only became of consequence about this period.

In 1662, Dr. Davenant gives for our total trade the following statement :

Exports to all parts	-	£.2,022,812
Imports	-	4,016,019

Balance against England - £.1,993,207

This immense balance against this country was principally owing to the taste for French finery, which the return of the king and exiles that had lived with him on the continent introduced, as France alone was capable of manufacturing many articles of taste and luxury then on demand.

The great Colbert, in his zeal for the manufactures and trade of his country, went too far ; for the duties laid in France on the importation of foreign manufactures were so high as to be equivalent to a prohibition. This set the English and Dutch upon endeavouring to manufacture French articles, finding that, as there was no reciprocal advantage on that commerce, they must pay for every thing in money. This introduced the toy trade, and the variety of ornamental manufactures which we have since carried to great perfection ; brocades, ribbons, gauzes, laces, hats, hardwares, buttons, buckles, watches, toys, paper, &c.

In 1668 a very wise and advantageous treaty of commerce was entered into between the king and the United Provinces of the Netherlands.

It was at this time that the revocation of the edict of Nantes sent over so many industrious artists to this country, who arrived just in proper time to improve the manufactures which the impolitic prohibitions of Colbert had caused to be introduced amongst us. Thus the over great zeal for commerce of the minister planted various manufactures in this country, and the mistaken religious zeal of the sovereign was the cause of bringing them to perfection.

The revolution which took place in the year 1688, establishing the laws and rights of the subject on a solid footing, thereby settled the prosperity of England on a sure foundation. Since that glorious change, neither royal caprice, favour, nor money have procured either monopoly or exemption, in contradiction to the general rights and interests of society, or to the detriment of commerce.

The Bank of England, which was established in 1694, gave a facility and new spring to commerce, which has completely changed the nature of the relations of mercantile men, and given them a firm and fixed attitude unknown till its institution.

In speaking of commercial affairs, the way of barter, which was first practised, required mutual wants in the persons so exchanging the surplus of their commodities. In the second state of commerce, in which money, the measure of value on both sides, was always necessary, in order to finishing a transaction, the person purchasing required to possess the value of what he purchased: but with the aid of paper credit, commercial transactions are freed from that necessity. Money, by the aid of banks, starts up at will and when it is wanted; by which means, provided a transaction is in itself beneficial, and in the hands of men whose moral conduct and intelligence entitle them to confidence, it is seldom difficult to be obtained.

Before the revolution, the history of commerce is interesting in a high degree, on account of the difficulties which it laboured under. Sometimes it was highly protected, and would flourish or fade according to the conduct of government; but since then, it has advanced almost entirely by the exertions of the individuals engaged in it. The arts want little more than protection. Foreign commerce wants more; it wants encouragement, and measures taken to secure those connections abroad without which it cannot prosper.

The East India Company was soon after the revolution put upon its present footing; and though its importance has greatly increased since, its privileges and charter were at that time arranged, nearly as they are at the present day.

The use of tea was introduced into this country in the end of the century, as that of coffee had been about 50 years before.

It would be deviating from the plan of this work to give an account of the commerce of this country from the beginning of the last century, since which time it has got into a regular train: a few leading circumstances only require notice.

The national debt, a thing totally unknown in the annals of mankind, has served as a reservoir for accumulating the wealth of the country, by which means immense sums laid out at common interest, though not realisable *in toto* by any human means, can be produced in cash in such proportions, on the shortest notice, so as to be brought to the assistance of commercial enterprise.

The

The inventions for spinning cotton, for raising water, and working machinery by the fire-engine, together with various divisions and abbreviations of labour, have greatly contributed to distinguish the last century from all others, and to raise England to its present wealth and greatness.

The following account, year by year, of the exports, imports, and balance of trade, from 1699 to 1802, will elucidate the subject sufficiently without farther remarks.

YEARS.		IMPORTS.		EXPORTS.		BALANCE.
1700	- -	5,570,174	- - -	7,302,716	- - -	1,332,541
1701	- -	5,869,606	- - -	7,621,05	- - -	1,751,446
1702	- -	4,159,304	- - -	5,235,875	- - -	1,076,569
1703	- -	4,526,596	- - -	6,644,103	- - -	2,117,506
1704	- -	5,383,200	- - -	6,552,019	- - -	1,168,819
1705	- -	4,031,649	- - -	5,501,677	- - -	1,470,027
1706	- -	4,113,933	- - -	6,512,086	- - -	2,398,153
1707	- -	4,274,055	- - -	6,767,178	- - -	2,493,122
1708	- -	4,698,663	- - -	6,969,089	- - -	2,270,426
1709	- -	4,510,593	- - -	6,627,045	- - -	2,116,452
1710	- -	4,011,341	- - -	6,690,828	- - -	2,679,487
1711	- -	4,685,785	- - -	6,447,170	- - -	1,761,384
1712	- -	4,454,682	- - -	7,468,857	- - -	3,014,174
1713	- -	5,811,077	- - -	7,352,655	- - -	1,541,577
1714	- -	5,929,227	- - -	8,361,638	- - -	2,432,411
1715	- -	5,640,943	- - -	7,379,409	- - -	1,738,465
1716	- -	5,800,258	- - -	7,614,085	- - -	1,813,826
1717	- -	6,346,768	- - -	9,147,700	- - -	2,800,932
1718	- -	6,669,390	- - -	8,255,302	- - -	1,585,912
1719	- -	5,367,499	- - -	7,709,528	- - -	2,342,028
1720	- -	6,090,083	- - -	7,936,728	- - -	1,846,645
1721	- -	5,768,510	- - -	8,681,200	- - -	2,912,690
1722	- -	6,378,098	- - -	9,650,789	- - -	3,272,690
1723	- -	6,505,676	- - -	9,489,811	- - -	2,984,135
1724	- -	7,394,495	- - -	9,143,356	- - -	1,748,915
1725	- -	7,094,708	- - -	11,352,480	- - -	4,257,772
1726	- -	6,677,865	- - -	9,406,731	- - -	2,728,865
1727	- -	6,798,908	- - -	9,553,043	- - -	2,754,135
1728	- -	7,569,299	- - -	11,631,583	- - -	4,062,084
1729	- -	7,540,620	- - -	11,475,771	- - -	3,935,151
1730	- -	7,780,019	- - -	11,974,135	- - -	4,194,116
1731	- -	6,991,500	- - -	11,167,380	- - -	4,175,880
1732	- -	7,087,914	- - -	11,786,658	- - -	4,698,744



## PRELIMINARY ESSAY.

YEARS.		IMPORTS.		EXPORTS.		BALANCE.
1733	-	8,016,814	-	11,777,306	-	3,760,492
1734	-	7,095,861	-	11,000,645	-	3,904,783
1735	-	8,160,184	-	13,544,144	-	5,383,960
1736	-	7,307,966	-	11,616,356	-	4,308,389
1737	-	7,073,638	-	11,842,320	-	4,768,682
1738	-	7,438,960	-	12,289,495	-	4,850,535
1739	-	7,829,373	-	9,495,366	-	1,665,993
1740	-	6,703,778	-	8,869,939	-	2,166,161
1741	-	7,936,084	-	11,469,872	-	3,533,787
1742	-	6,866,864	-	11,584,427	-	4,717,562
1743	-	7,802,353	-	14,623,653	-	6,821,300
1744	-	6,362,971	-	11,429,628	-	5,066,657
1745	-	7,847,123	-	10,497,329	-	2,650,206
1746	-	6,205,687	-	11,360,792	-	5,155,105
1747	-	7,176,757	-	11,442,049	-	4,265,291
1748	-	8,136,408	-	12,351,433	-	4,215,024
1749	-	7,917,804	-	14,099,366	-	6,181,562
1750	-	7,772,039	-	15,132,004	-	7,359,964
1751	-	7,943,436	-	13,967,811	-	6,024,375
1752	-	7,889,369	-	13,221,116	-	5,331,746
1753	-	8,625,029	-	14,264,614	-	5,639,584
1754	-	8,093,472	-	13,396,853	-	5,303,383
1755	-	8,772,865	-	12,182,255	-	3,409,390
1756	-	7,961,603	-	12,517,640	-	4,556,036
1757	-	9,253,317	-	13,438,285	-	4,184,967
1758	-	8,415,025	-	15,034,994	-	6,619,969
1759	-	8,922,976	-	14,696,892	-	5,773,916
1760	-	9,832,802	-	15,579,073	-	5,746,270
1761	-	9,543,901	-	16,365,953	-	6,822,051
1762	-	8,870,234	-	14,134,093	-	5,263,858
1763	-	11,665,036	-	16,160,181	-	4,495,145
1764	-	10,364,307	-	16,512,403	-	6,148,096
1765	-	10,889,742	-	14,550,507	-	3,660,764
1766	-	11,475,775	-	14,024,964	-	2,549,188
1767	-	12,073,956	-	13,844,511	-	1,770,555
1768	-	11,878,661	-	15,117,982	-	3,239,321
1769	-	11,908,560	-	13,438,236	-	1,529,675
1770	-	12,216,937	-	14,266,653	-	2,049,716
1771	-	12,821,995	-	17,161,146	-	4,339,150



# PRELIMINARY ESSAY.

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YEARS.		IMPORTS.		EXPORTS.		BALANCE.
1772	- -	14,508,715	- - -	18,732,379	- - -	4,233,663
1773	- -	12,522,643	- - -	16,654,052	- - -	4,131,408
1774	- -	14,548,902	- - -	17,607,447	- - -	3,058,544
1775	- -	14,816,955	- - -	16,946,523	- - -	2,129,568
1776	- -	12,449,189	- - -	15,685,107	- - -	3,235,918
1777	- -	12,643,834	- - -	14,152,243	- - -	1,508,408
1778	- -	10,975,533	- - -	12,375,712	- - -	1,400,179
1779	- -	11,435,263	- - -	13,597,771	- - -	2,162,507
1780	- -	14,714,967	- - -	13,689,073	- - -	1,974,105
1781	- -	12,723,613	- - -	11,470,388	- - -	1,253,235
1782	- -	10,341,628	- - -	13,224,637	- - -	2,883,008
1783	- -	13,122,235	- - -	15,470,778	- - -	2,328,543
1784	- -	15,272,802	- - -	14,961,074	- - -	311,727
1785	- -	16,279,490	- - -	16,770,239	- - -	490,749
1786	- -	15,786,072	- - -	16,300,730	- - -	514,658
1787	- -	17,804,024	- - -	18,296,166	- - -	492,141
1788	- -	16,050,000	- - -	18,100,000	- - -	2,050,000
1789	- -	17,000,000	- - -	19,000,000	- - -	2,000,000
1790	- -	17,900,000	- - -	21,500,000	- - -	3,600,000
1791	- -	19,000,000	- - -	22,500,000	- - -	3,500,000
1792	- -	20,000,000	- - -	25,000,000	- - -	5,000,000
1793	- -	20,200,000	- - -	21,400,000	- - -	1,400,000
1794	- -	22,000,000	- - -	21,600,000	- - -	400,000
1795	- -	22,600,000	- - -	22,000,000	- - -	600,000
1796	- -	23,000,000	- - -	25,000,000	- - -	2,000,000
1797	- -	25,000,000	- - -	26,600,000	- - -	1,600,000
1798	- -	27,300,000	- - -	34,000,000	- - -	6,700,000
1799	- -	32,600,000	- - -	36,600,000	- - -	4,000,000
1800	- -	32,500,000	- - -	45,000,000	- - -	12,500,000
1801	- -	36,000,000	- - -	49,000,000	- - -	13,000,000

} Against  
England.

} Against  
England.



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 Johnston, Thomas, esq. 10, Upper Thames street  
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 Kubach, Lewis, esq. 2, Bury street  
 Keeling, J. Mr. Blackman street  
 Kendray, J. esq. Cheapside  
 King, John, under secretary of state  
 Kirkby, W. D. Mr. 2, Foster lane  
 Kinard, J. esq. Cheapside  
 Kenion, John, esq. Nicholas lane  
 Kelly, T. esq. Lord street, Liverpool  
 Kitchen, John, esq. Rufford street, ditto  
 Kearsley, Muller, and Malouch, Gradwell street, ditto  
 Kudman and Hall, Newcastle upon Tyne  
 Kay and Pradger, Hanway street  
 Kirkman and Co. brewers, St. Giles's  
 Knight and Triphook, stationers to his majesty, 38, St.  
 James's street  
 Kingsford and Co. 9, Lime street  
 King, George T. esq. 21, Pudding lane  
 Kirk, Gratton, and Co. Bishopsgate street within  
 Kingsbury, George, esq. at Bull and Higginson's, Al-  
 dersgate street

Le Mesurier, Paul, esq. Alderman, Austin friars  
 Eangdon, John, Mr. Broadway, Blackfriars  
 Lee, James, esq. 13, Broad street buildings  
 Levy, Zachariah, esq. 6, Bury court  
 Levy, Angelo, esq. 5, Devonshire street  
 Le Gay, J. Mr. Coleman street buildings  
 Lee and Langston, Watling street  
 Lewis and Porter, 12, Budge row  
 Lumley, Thomas and Co. 38, Gutter lane  
 Lucas, Sampson, esq. 15, Haydon square  
 Lewis, Leyson, esq. Catcator street  
 Lee, Thomas, esq. Aldersgate street  
 Lovett, William, esq. Princes street, Bedford row  
 Lee, R. W. and E. 33, Old Broad street  
 Linging, Samuel and William, 21, Lawrence Pountney  
 lane  
 La Roche, M. esq. 13, Great St. Helen's  
 Lindley and Zimmerman, 127, Upper Thames street  
 Labrow and Co. 120, St. John street

LANSDOWN, MARQUIS of, Berkley square  
 Langston, Towgood and Co. Clement's lane  
 Le Flowedew, D. esq. 5, Beer lane, Tower street  
 Littler, J. esq. 179, Strand  
 Laing, D. and Son, 1, Tower street  
 Lingham, William, sen. esq. Beer lane, Thames street  
 Lyon, James, esq. 16, Savage gardens  
 Lindo, David A. esq. St. Mary Axe  
 Lodge, John and Adam, Hurst street, Liverpool  
 Lace, John Henry, esq. Richmond street, ditto  
 Lawton, Samuel, esq. Newcastle upon Tyne  
 Loraine, Baker, and Co. ditto  
 Losh, Robinson, and Co. ditto  
 Lewis, M. H. esq. 28, York street, Westminster  
 Latham, Thomas Davenport, esq. 19, Buckingham str.  
 Lindo, Alexander, esq. Finsbury square  
 Langton, Zachary, esq. 63, Broad street  
 Lush and Son, 155, High Holborn  
 Lee and Sons, Smyrna  
 Longfoot, Wm. Mr. 83, Dorset street, Salisbury square  
 Lang and Smith, Devonshire street  
 Larkins and Russell, Old South Sea House, Broad street  
 Lopes and Collins, Jewry street  
 Lister, Samuel, esq. 4, Norfolk street  
 Lopes, Manaseh, esq. M. P. Fitzroy square

Masterman, Peters, and Co. Whitehart court  
 Mocatto, Jacob, esq. Stoke Newington  
 Moore and Gale, Fleet street  
 Mello, John, esq. 37, Crutched Friars  
 Maitland, Alexander, esq. Coleman street  
 McMillan and Meares, 32, Queen street, Cheapside  
 Mackenzie, James, and A. Glenzie, New Broad street  
 Meyboldinaly, John, esq. 4, Austin Friars  
 Martin, and De Ferre, 23, ditto  
 Mocatta, Daniel, esq. Lemon street  
 Millar, James, esq. 3, Lime street square  
 Mackarness, John, esq. 2, Windchester street  
 Moxon, John, Mr. Foster lane  
 Mohon, Charles, esq. Martin's lane  
 Mallough, E. J. jun. esq. 1 and 5, Beer lane, Tower str.  
 Manning, Heavisdale, and Co. 4, Barge yard  
 Miller, John, esq. Idol lane, Tower street  
 Mellish, J. and W. and Co. Bishopsgate within  
 Muller, Emanuel and Co. 28, Lawrence Pountney lane  
 Mitchell and Harris, 3, Lawrence Pountney hill  
 Moxon, Palmer, and Norman, 2, Martin's lane  
 Miles, Richard, esq. Bishopsgate street  
 Mitchell, William, esq. 4, Turnwheel lane  
 Miller, J. esq. Old Bond street  
 Miles, Birket, and Co. Old Swan Stairs  
 McAdam, William, esq. 38, Basinghall street  
 Martin, Thomas, esq. 20, Basinghall street  
 Mason and Butcher, 2, Cross lane, St. Mary's hill  
 Mann, Abraham, esq. 16, Size lane  
 Mendes, Abraham P. esq. Old Bethlem  
 McCall, John, esq. Gould square  
 Main, Joseph, esq. 8, Bow lane, Cheapside  
 Mutrie, William, esq. 15, Friday street

Simpson, Robert, esq. King square, Bristol  
 Savery and Pugh, Bankers, Bristol  
 Steward, A. H. esq. Yarmouth  
 Sheen, John, esq. Abchurch lane  
 Sandeman, Robinson, and Co. 35, Swithin's lane  
 Smithers and Hills, Phoenix Coal Wharf  
 Seaton, W. A. esq. 43, Great Tower street  
 Shoobred and Williams, 60, Mark lane  
 Shoobred, John, esq. Ditto  
 Steel, Robert, esq. Finsbury square  
 Stuart, Charles, esq. 9, Great Tower street  
 Stonard, Unwin, and Hewson, Bromley, Middlesex  
 Stenhouse, Wm. esq. Glasgow  
 Solomons, Isaac, esq. Lloyd's Coffee House  
 Sampson, Sam, esq. 55, Bread street  
 Stirling and Co. Bow Church yard  
 Slade, Tho. esq. 27, Bartholomew close  
 Smith, Wm. esq. 23, Newgate street  
 Spooner, Atwood, and Co. Fish street hill  
 Shepherd, Wm. esq. 2, Lamb's Conduit place  
 STARKERBERG, Count, his excellency imperial am-  
 bassador, 8, Portland place  
 Schneider, R. and Lonsdale, 7, Crutched Friars  
 Sastres, Francis, Consul General of his Sicilian Majesty,  
 Upper Seymour street  
 Salisbury, Edward, esq. 32, Swithin's lane  
 Schimmelpennick, R. J. his excellency Envoy Extraor-  
 dinary and Minister Plenipotentiary of the Batavian  
 Republic, 12, Cumberland place  
 Troughton, Rd. Zouch, esq. Nine Elms, Battersea  
 Tench, John, jun. esq. 20, Tokenhouse yard  
 Thellasson, Chas. esq. Philpot lane  
 Thompson, Henry, esq. 75, St. Paul's church yard  
 Thorntons and Bayley, King's arms yard  
 Thorntons, Bayley, and Co. St. Petersburg  
 Thwaites, H. esq. 2, Basinghall street  
 Trueman, Hanbury, and Co. Spitalfields  
 Taylor, Robert, esq. 18, Bow lane  
 Thompson, H. esq. 39, Dowgate hill  
 Topham, —, esq. 17, Cheapside  
 Tillock, Alexander, esq. Bell yard, Temple Bar  
 Thompson, Forman, and Humfay, Steel yard  
 Trinwhitt, G. esq. 4, Lyon's inn, and James's street,  
 Bedford row  
 Tidd, Wm. esq. Temple  
 Taylor, Josiah, esq. Southwark bank  
 Thornton, Stephen, Brothers, and Co. Old Broad street  
 Threlkeld, T. esq. Bow Church yard  
 Trotter and McKenzie, 12, Tower street  
 Tompkins, Coles, and Maude, Upper Thames street  
 Tebutt, Thos. esq. 53, Devonshire street, Queen square  
 Tait and Co. York street, Liverpool  
 Thomas, Benjamin, esq. Gorce  
 Taggart, Alexander, esq. 8, Islington, Liverpool  
 Tyrie, John, esq. Bridgewater street, Ditto  
 Taylor, Robert, esq. Newcastle-upon-Tyne  
 Turner, Dawson, esq. Yarmouth

Thornton, Richard and John, Borough  
 Tine Glass Company, Gattshhead, Durham  
 Tewart, Edward, esq. 4, Ludgate street  
 Thorpe, Samuel, and Co. 14, Aldgate  
 Tagart and Reynells, Broad street, Bristol  
 Thompson, Wm. and P. Barker, 27, Dean st. Southwark  
 Tinkler and Mountford, Gunpowder makers, 8, Birchin  
 lane  
 Thorns, John Ellison, esq. St. Paul's church yard

HONOURABLE VICTUALLING BOARD, Somerset House  
 Van Dyck, Gevers, and Co. 6, Circus, Minorics  
 Uhr and Engstrom, 27, Lawrence Pountney lane  
 Vandermerch, J. A. esq. Muscovy court, Tower hill  
 Unsworth, esq. Belle street, Liverpool  
 Vulliamy, Du Bois, and Favre, 32, Throgmorton street  
 Villegille, Corson, and Co. Mincing lane  
 Vason and Cottrill, 24, Bread street hill  
 Usborne, John, esq. 37, Old Broad street

Wilkes, Dickinson, and Co. Poultry  
 Williams, Son, and Co. 20, Birchin lane  
 Wilson, Thomas, esq. 31, Bucklersbury  
 Wright, Christopher, esq. Birmingham  
 Weaver, William, esq. Bow lane, Ditto  
 Wood and Cornish, 35, Broad street buildings  
 Wolffs and Dorville, Danish Consul, America square  
 Wilson and Glennie, 6, George street, Minorics  
 Westwood, John, Mr. Warwick square  
 Warren, John, Mr. 12, Bishopsgate  
 Whitbread and Co. Chiswell street  
 Wansee, Jefferys, and Co. Lothbury  
 Wood, Jacob, Brothers, and Wilson, Cheapside  
 Wistinghausen and Co. 3, Castle court, Bridge row  
 Whalley, John, and Co. 3, Pasinghall street  
 Wigram, J. esq. Crosby square  
 Wollaston, H. S. H. esq. 1, Castle street, Watling street  
 Woodnason, Alf. esq. 4, Finsbury-street  
 Wallis, William, esq. 52, Cornhill  
 Williams, J. and J. and E. Burford, 27, Poultry  
 Wilhelmji, Herman, esq. 5, Martin's lane  
 Wheble, John, esq. Warwick square  
 Withall, Caleb, esq. Mincing lane  
 Warwick, John, Mr. 3, Crown court, Borough  
 Weston, Pinhorn, and Golding, Borough bank  
 Williams, William, esq. 10, Adam street, Adelphi  
 Wallis, James, Mr. 46, Paternoster row  
 Wilson, Wm. esq. 1, Little St. Helen's  
 Wells, Lewis, Mr. 28, Leadenhall street  
 West, Charles and John G. 35, Bucklersbury  
 Walkers, Jos. esq. 5, Lawrence Pountney hill  
 Walker, Maltby, and Co. Red Bull Wharf  
 Wilkinson and Wighton, 6, Love lane, Aldermanbury  
 Westmacott, Rich. esq. Mount street, Grosvenor square  
 Wardell, Captain Thomas, Patriot square, Bethnal green  
 Willows, Thomas, jun. esq. Leicester square  
 Whaley, Samuel, esq. Pall Mall  
 Welsh, Patrick, esq. Queen Anne street, Liverpool

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# COMMERCIAL DICTIONARY.

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## ABE

**ABANDONED**, goods which the Proprietor has renounced knowingly and willingly, and which he no longer reckons in the number of his effects, are said to be abandoned.

**ABANDONING**, is the relinquishing the goods a person is in possession of. If to creditors it is called *cession*; if they are abandoned, in order to be free from the charges to which one is subject by possessing them, it is called *giving up*.

**ABATEMENT**, a term signifying a prohibition of trade to all ports in the Levant, for such French merchants as refuse to pay their debts or stand to their bargains. The sentence of *abatement* is pronounced by the French Consul, and until it is taken off, those who have incurred it cannot sue any person for debts due to them.

**ABATEMENT**, or Rebate, is a term used amongst traders for a discount or diminution in the price of certain commodities, when the purchaser pays ready money for the articles instead of taking credit, and a deduction or discount of so much per cent. is generally allowed as a consideration for prompt payment. It is the practice also of several trading companies abroad to allow a certain discount for ready money; and by the English East India Company six per cent. is allowed for prompt payment. See *Customs, Excise, Stamp Office*.

**ABERDEEN**, a city of Scotland, situated in the county of the same name. It has a considerable revenue arising from the salmon fishery. The herring fishery constitutes also a lucrative branch of commerce; and the

## ABR

merchants of Aberdeen carry on a considerable trade to Dantzic and Koningsberg, Riga and Narva, Wybourg and Stockholm. An extensive manufactory of thread and worsted stockings is also carried on at Aberdeen.

**ABERYSTWITH**, a populous rich town of Cardiganshire in Wales, 199 miles south west of London. It has a considerable trade in lead, and a fishery of white cod and herrings.

**ABINGDON**, a market town in Berkshire, 55 miles west of London: its principal manufacture is malt, large quantities of which are sent by water carriage to London.

**ABJURATION**, is used to signify the renouncing, disclaiming, and denying upon oath the Pretender to have any right to the crown of these kingdoms. See *Oath*.

**ABRUZZO**, a province of Naples. Vegetables, fruits, animals, and numberless other articles of sustenance, not only furnish ample provision for the use of the natives, but also allow of exportation. There is so large a quantity of wheat reaped, that many thousands of quarters are annually shipped off; much Turkey wheat is sent out, and the province of Teramo sells a great deal of rice, little inferior in goodness to that of Lombardy. Oil is a plentiful commodity, and wines are made for exportation on many parts of the coast; but wool has always been, and still is there the staple commodity. There are no manufactures of woollens in the province, except two small ones of coarse cloth; and the greater part of

the wool is sent out unwrought. No silk is made here, though mulberry trees would grow well in the low grounds.

**ACAPULCO**, a considerable town and port in Mexico, on the South Sea; it has a fine harbour, from whence a ship sails annually to Manilla, in the Philippine Islands, near the coast of China and Asia, and another returns annually from thence with all the treasure of the East Indies; such as diamonds, rubies, sapphires, and other precious stones; the rich carpets of Persia, the camphire of Borneo, the benjamin and ivory of Pegu and Cambodia, the silks, muslins, and calicoes of the Mogul's country, the gold dust, tea, china ware, silk and cabinets of China and Japan, besides cinnamon, cloves, mace, nutmegs, and pepper; inasmuch that this single ship contains more riches than many whole fleets. The goods brought to Acapulco are carried to the city of Mexico by mules and pack-horses; and from thence to Vera Cruz, on the North Sea, in order to be shipped for Europe. Ships arrive at the port by two inlets, separated from each other by a small island; the entrance into them in the day time is by means of a sea-breeze, as the sailing out in the night time is effected by a land breeze. A wretched fort of 42 pieces of cannon, and a garrison of 60 men defend it. The harbour is equally extensive, safe, and commodious. The basin, which constitutes this harbour, is surrounded by lofty mountains, which are so dry that they are ever destitute of water. The air here is hot, heavy, and unwholesome, to which none can habituate themselves but certain negroes that are born under a similar climate, or some mulattoes. This feeble and miserable colony is crowded with a vast accession to its numbers upon the arrival of the galleons, traders flocking thither from all provinces of Mexico, who come to exchange European toys, their own cochineal, and about ten millions of dollars, for spices, muslins, printed linens, silk, perfumes, and the gold works of Asia.

**ACCEPTANCE**, is that act by which the party upon whom a bill of exchange is drawn, makes himself liable to the amount therein contained. An acceptance may be *absolute* to the bill at all events; or it may be *partial*, as to pay a certain part of it; or *conditional*, that is to say, upon the performance of a

certain condition: in this case, when such condition is performed, the acceptance becomes *absolute*.

An acceptance may also be *collateral*, as an acceptance upon *pretext*.

An acceptance may be given either *verbally* or *in writing*; the latter, however, is the most usual and regular. But any thing, tending to shew that the party means to be bound by his undertaking, such as the signature of his initials, the day of the month, keeping the bill a longer time than usual, or any verbal promise or agreement, will be tantamount to an acceptance. See *Bills of Exchange*.

**ACCEPTOR**, the person who accepts a bill of exchange, by signing it, and obliges himself to pay the contents when due. See *Acceptance, Bills of Exchange*.

**ACCOMMODATION**, is used both of matters of trade and of law, to signify a friendly agreement or composition between persons at variance; and is frequently brought about by the mediation of common friends, or by a partition of the things in dispute.

**ACCOMMODATION BILLS**, bills of exchange given without value by one merchant to another for his accommodation, in order to have them discounted. See *Bills of Exchange*.

**ACCOUNT**, or *Account*, in a general sense, a computation or reckoning of any thing by numbers. Collectively it is used to express the books which merchants, traders, bankers, &c. use for recording their transactions in business.

When persons have mutual dealings, signing the account is not necessary to make a *stated one*; but the act of keeping it any length of time, without making an objection, binds the person to whom it is sent, and prevents his entering into an open account afterwards. 2 *Atk.* 251.

Among merchants, it is looked upon as an allowance of an account current, if the merchant who receives it does not object to it in a second or third post. 2 *Vern.* 276. p. *Hutchins.* Lord Comm. *Sherman v. Sherman*. See *Book-keeping*.

**ACCOUNT in Bank**, is a fund which merchants, traders, &c. deposit into the common cash of some Bank, to be employed in the payment of bills of exchange, promissory notes, and debts.

**ACCOUNT in Company**, is a species of account between

two or more merchants or traders, in consequence of an association or partnership between them.

**ACCOUNT of Sales**, is an account delivered by one merchant to another, or by a factor to his principal, of the disposal, charges, commission, and nett produce of certain merchandizes, consigned to such merchant or factor.

**ACCOUNTANT**, or **Accomptant**, in the most general sense, is a person skilled in accounts. In a more restricted sense it is applied to a person or officer appointed to keep the accounts of a public company or office, the South Sea, the India Company, the Bank, the Excise, &c.

**ACQUITTANCE**, a release or discharge in writing for a sum of money, acknowledging that the said sum has been paid or discharged by the party.

No man is obliged to pay a sum of money if the demandant refuses to give an acquittance.

An acquittance given by a servant, for a sum of money received for the use of his master, shall be a good discharge for that sum, provided such servant is in the general practice of receiving his master's rents, debts, &c. See *Discharge, Receipt, Release*.

**ACRE**, or **Acra**, a sea port town in Syria. Corn and cotton form the basis of the commerce of Acra, which is becoming more flourishing every day. Of late the Pacha, by an abuse common throughout all the Turkish empire, has monopolized all the trade in his own hands: no cotton can be sold but to him, and from him every purchase must be made. In vain have the European merchants claimed the privileges granted them by the Sultan. Djeddar replied, that he was the Sultan in his country, and continued his monopoly. These merchants are in general French, and have six houses in Acra, with a Consul. An imperial Agent too is lately settled there, and also a Resident for Russia. This place has lately been rendered famous for its siege by Bonaparte, which he was compelled to raise by the English and Turkish force under Sir Sidney Smith.

**ACT OF BANKRUPTCY**. See *Bankruptcy*.

**ACTS**. See *Notarial Acts*.

**ACTION**, a share in a joint stock company: a term not used in England. It implies a share in any company of a certain value. A man may hold one, two,

or any number of actions. One or more actions generally entitle the holder to a vote or votes in the administration; but the number of votes is always limited, that one actionair may not have too much power over a property of which a part only belongs to himself.

**ACTION**, a right which any person has to sue for any demand or pretension at law.

**ACTIONARY**, or **ACTIONIST**, a proprietor of stock in a trading company.

**ACTUARY**, a notary or officer appointed to write the acts or proceedings of a court, &c. or to manage the concerns of an insurance company.

**ADJUSTMENT**. See *Marine Insurance*.

**ADMEASUREMENT**, by stat. 6 Geo. I. c. 21. s. 23.

The tonnage of ships inwards is to be measured and ascertained by the following rule, viz. take the length of the keel within board (so much she treads on the ground), and the breadth within board by the mid<sup>d</sup> ship beam, from plank to plank, and half the breadth for the depth, then multiply the length by the breadth, and that product by the depth, and divide the whole by 94, the quotient will give the true contents of the tonnage.

**ADMINISTRATORS**. An administrator is a person to whose charge are committed, by the Ecclesiastical Court, the personal property of a person dying intestate.

Administrators are of various species, as during the minority of an infant, executor, or administrator, during the absence from the country of the executor or administrator, or during the pendency of a suit in the Ecclesiastical Court concerning the validity of a will. Hil. Term, 2 W. & M. B. R. 4 Mod. 15.

If a testator make a will without appointing any executor, or if he name persons incapable of acting, or who refuse to act, the ordinary must grant administration with the will annexed; and in case the course of representation from executor to executor becomes interrupted by administration, the ordinary must commit administration of such of the goods of the deceased not administered by the former executor or administrator; such an administrator is termed an administrator *de bonis non*, and he is then the only representative of the deceased in matter of personal property.

Where the party dying intestate has personal property of the value of 5*l*. in several dioceses of the same archiepiscopal province, administration must be taken out in the Prerogative or Archbishop's Court; and if such property be in different dioceses of different provinces, there must be a prerogative administration in both; but if they are in one diocese of each province, administration will be granted by the Bishop of each diocese of the goods, &c. within their respective jurisdictions; and if one diocese only, then by the Bishop of that diocese. *Salk.* 39.

By stat. 31 Edw. III. and 21 H. VIII. c. 5. where persons die intestate, general administration is to be granted by the ordinary of his effects as follows:

The wife's effects to the husband or his representatives, and of the husband's effects to the widow or next of kin; but he may grant it to either or both at his discretion. *Str.* 532.

Among the kindred of the intestate those are to be preferred that are nearest in degree; but of persons of equal degree the ordinary may choose which he will.

This propinquity of degree shall be reckoned according to the computation of the civilians, and not of the canonists; that is to say, the children, or on failure of the children, the parents of the deceased are entitled to the administration, both which are indeed in the first degree, but with us the children are allowed the preference.

Then follow brothers, grandfathers, uncles or nephews, and the females of each class respectively.

And in case of failure, the cousins of the intestate are entitled to administer. 2 *Black. Com.* 505.

The half blood is admitted to the administration as well as the whole. The brother or sister of the half blood will therefore exclude the uncle of the whole blood.

In case the kindred of the testator will not take out administration, a creditor is allowed to do it.

And by 38 G. III. c. 87, it is enacted, that if at the end of twelve months from the death of any testator, the executor to whom probate shall have been granted, is residing out of the jurisdiction of the King's Courts, a creditor may, upon application, obtain letters of administration, for the purpose of having his demand satisfied out of the effects of the testator.

If the executor of a testator refuse to account or die intestate, administration may be granted to the residuary legatee in exclusion of the next of kin.

The ordinary by stat. Edw. III. may commit administration to such discreet person as he approves of.

The ordinary may also grant to any one letters to collect the goods of the deceased, which makes him neither executor nor administrator, his office being only to keep the goods in his safe custody, and to do other proper and necessary acts, for the benefit of such as are entitled to the property of the deceased. 2 *Black. Com.* 505.

By the stat. 38 G. III. it is also provided, that where an infant, under the age of twenty-one, is sole executor, administration with the will annexed shall be granted to the guardian of such infant, or to such other person as the Spiritual Court shall think fit, until such infant shall attain the age of twenty-one years; and such administrator shall have the same power vested in him as administrator during the minority of the next akin.

Although in case of a bastard's dying without kindred, the King is entitled to his personal property as administrator, yet it is usual for the Crown to grant administration to some relation of the bastard's father or mother, reserving some small portion of his effects by way of preserving its rights.

The administrator on his appointment enters into a bond for duly administering the intestate's effects; and should he neglect, he may be sued by any of the creditors, or next of kin to the deceased.

If there be two or more administrators, one of them cannot alone, as an executor, release the debts of the intestate; or otherwise dispose of his property, but all must join, it not being a several but joint authority, that is, delegated to them by the ordinary. *Hudson v. Hudson*, 1 *Atk.* 460.

If an administrator submit a matter in dispute between himself and another in right of his intestate, this will be at his own peril; for if the arbitrator do not give him the same justice to which he is by law entitled, he must account for the deficiency to those persons interested in the effects. *Barry v. Kush*, 1 T. R. 691. See *Executor*.

ADMIRAL, an officer or magistrate of high authority, having the government of the royal navy, and in his court



court the determinator of all causes belonging to the sea, and offences committed thereon. This office is now usually exercised by commissioners, who by stat. 2 W. & M. c. 2, are declared to have the same authorities, jurisdictions, and power, as the Lord High Admiral. See *Admiralty*.

**ADMIRALTY.** The Admiralty and admirals of England had formerly jurisdiction in all causes of merchants and mariners, happening not only upon the main sea, but all foreign parts within and without the King's dominions; and were to judge them in a summary way, according to the laws of Oleron and other sea laws. The Court of Admiralty was established in the reign of Edward the Third. By 13th Ric. II. st. I. c. 5, the admirals and their deputies shall meddle with nothing done *within* the realm, but only with things done on the sea. By 15th Ric. II. c. 3, all contracts, pleas, and quarrels, and other things done within the bodies of counties by land and water, and of wreck, the admiral shall have cognisance, and is empowered to arrest ships in the great flotes for the great voyages of the King, and he shall have jurisdiction upon the flotes during the voyages. By stat. 8th Eliz. c. 5, judgment or sentence definitive in any marine cause, in appeal to Chancery by delegates, shall be final.

By 2 Will. and Mar. all the authority, power, and jurisdiction lawfully vested in the lord high admiral shall be exercised and executed by the commissioners for executing that office, to all intents and purposes as if the said commissioners were lord high admiral of England.

By 4 Anne, c. 16. s. 17, suits in the Court of Admiralty for seamen's wages must be commenced within six years after such cause of action shall accrue. But the six years shall not begin to run until their return to England.

The following points have been determined relative to the Admiralty jurisdiction:

If the owner of a ship charge her for repairs done in England by an instrument under seal, stated to be by way of bottomry, upon which she is afterwards seized by admiralty process, and decreed to be sold to satisfy the demand, and no appeal is made from that sentence, but between the seizure and decree a writ of execution issues against the owner at the suit

of another creditor, the sheriff cannot under this writ take the vessel; neither can he maintain trover against the officer in possession by warrant from the Admiralty. *Ladbroke v. Crickett*, 2 T. R. 649.

Where a sentence has been given by a Court of Admiralty, it shall be taken that such Court had jurisdiction, unless the contrary appears upon the face of it. 2 T. R. 649.

The Court of Admiralty may take cognizance of an hypothecation-bond given in the course of a voyage, although it be executed on *land* and *under seal*. 3 T. R. 267. This Court has also jurisdiction over the question of freight claimed by a neutral master against the captor, who has taken the goods as prize. *Smart v. Woff*, 3 T. R. 323.

A monition having issued after the goods were condemned and decreed to be delivered to the captors, at the suit of such master against the plaintiffs as owners or agents of the prize goods, to bring into Court the *produce remaining in their hands* to answer the freight, the Court of King's Bench refused a prohibition; though no fidejussory caution had been taken before the goods were delivered to the captor; but the *question of freight had been reserved* by the terms of the decree for future consideration. 3 T. R. 323.

Where a vessel is injured in the Thames, within the body of a county, the Admiralty has no jurisdiction in this case. *Veltbasen v. Ormsley*, 3 T. R. 315; and in every case where it appears that the Court of Admiralty is proceeding in a question over which it has no jurisdiction, a court of common law will grant a prohibition, without imposing any terms upon the party applying for it. 3 T. R. 311.

It appears that the Court of Admiralty has exclusive jurisdiction over prize questions; and notwithstanding any of the prize acts, the Prize Courts, and Courts of Lords Commissioners of Appeals have the sole and exclusive jurisdiction over the question of prize or no prize, and who are the captors; and if they pronounce a sentence of condemnation, adjudging also who are the captors, the courts of common law cannot examine the justice or propriety of it, even though, perhaps, they would have put a different construction on the prize acts; and the same courts have power to enforce their decrees. *Home v. Earl Camden*



*Camden* and others, 1 *Hon. Black.* 476. 4 T. R. 322. 2 *Hon. Black.* 533.

No right is *vested* by any of the prize acts in the captors of an enemy's ship and cargo in war, before the ultimate adjudication of the courts of prize; and consequently the issuing a monition to the prize agents by the Court of Commissioners of Appeals in Prize Causes, to bring in the proceeds of a ship and cargo, which have been sold after a sentence of condemnation as lawful prize, but from which sentence there is an appeal (on a subject distinct from the question whether prize or not, which is not disputed), is not a ground for a prohibition to that Court; for the monition neither interferes with nor defeats any *vested* rights. 2 K. B. 533.

*Proceedings in the Court of Admiralty.*

*Civil Jurisdiction.* The proceedings of the Court of Admiralty are according to the method of the ecclesiastical courts, and held at the same place. It is no court of record; and an appeal from its decision lies to the Court of Delegates.

*Appeals* from the Vice-admiralty Courts in America, and our other settlements abroad, which are branches of this court, may be brought before the Court of Admiralty here, or before the King in Council.

The advantage resulting to mariners from suing in the Court of Admiralty are, 1st. that all may join in a suit for wages, whereby the expence is considerably lessened, which cannot be done in the courts of law; and, 2dly, the *ship itself* is responsible in the Admiralty, and not the owners. So far is this principle carried, that if a master designing to go a voyage, hires and takes on board seamen for that purpose, and afterwards the owners disagree about sending the ship upon that voyage, and the seamen be thereupon discharged, they have the same remedy in the Admiralty for their wages as if the ship had actually gone the voyage. But it is to be observed, that this privilege of suing in the Court of Admiralty is confined only to *mates and mariners*, and does not extend to the master, for the master's contract is founded upon the credit of the *owner*, and that of the mariner upon the credit of the *ship*.

*Criminal Jurisdiction.* The judge of the Admiralty presides in this court, as the deputy of the lord high

admiral; and the court may be held in any place. Of the commissioners nominated by the lord chancellor, two common law judges are constantly appointed. Although the judges try the prisoner, yet the judge of the Admiralty always presides, in the same manner as the lord mayor at the sessions held within the city of London.

By 39 G. III. c. 7, offences committed on the high seas are liable to the same punishment as if committed on shore, and are to be tried and adjudged in the same manner; and persons tried for murder and manslaughter, and found guilty of manslaughter only, shall be entitled to the benefit of clergy, and be subject to the same punishment as if such crime were committed on land.

*ADVANCE, an Anticipation of Time.* Money paid by way of *advance* is money paid before goods are delivered, work done, or business performed. To pay a note of hand or bill by *advance*, is to pay the value before it becomes due, for which a discount is usually taken.

*ADVANCE* signifies also loan of money, or supplying with merchandize.

*ADVANCE IN PRICE.* An augmentation or rise in the price of an article, from and after some given time or circumstance understood by the parties.

*ADVANCEMENTS of Money in the Bank.* Besides discounting bills, the Bank will advance money on government securities, or on a deposit in specie or bullion. They will also purchase gold and silver bullion and Spanish dollars. See *Bank*.

*ADVENTURE, or VENTURE,* is merchandize shipped with any person that goes to sea to any part of the world to dispose of for the shipper's account, and at his risk.

*ADVENTURERS.* A word applied to merchants engaged in trade beyond seas, who are on account of the venture or risk termed merchant-adventurers. It was first applied to a company of merchants and traders erected for the purpose of discovering lands, territories, &c.

The first society of adventurers originated in Burgundy in 1248, and was known by the name of the brotherhood of *St. Thomas à Becket*; that company was afterwards brought to England, and established and confirmed by Edward III. and several of his successors,

successors, who gave it the title of merchant-adventurers.

**ADVENTURE**, (Bill of). A bill containing the articles shipped on board a vessel, written out in the name of another, who is to run all risks and hazards.

**ADVERTISEMENT**, an information given to persons interested in an affair, either by inserting a short notice in the public papers, or by posting up or distributing publicly printed bills: it is, in particular concerns, the same as a proclamation in public affairs.

Any person advertising a reward with *no questions asked*, for the return of things *stolen or lost*, or promising in any such advertisement to return to any person who may have bought or advanced money upon such thing the money so paid or advanced, or any reward for the return of such thing, as also the printers of newspapers, &c. printing or publishing such advertisement, shall forfeit 50l.

**ADVICE**. A letter containing information of any circumstance supposed to be unknown to the person to whom it is written. When goods are sent off by sea or land, the letter sent to inform the person who is to receive the same, is termed advice of the goods, or letter of advice.

**AFFIDAVIT**, is an oath in writing sworn before some person legally authorised to administer the same: the true place of abode, and addition of the person making such affidavit, is to be inserted therein; it should set forth the matter of fact only, and not the merits of the cause, of which the court is to judge; it must also set forth the matter positively, and all material circumstances attending it, and be absolute, and not couched in words of reference: except in the case of assignees, executors, &c. who may swear to their belief of the matter.

**AFFIRMATION**, an indulgence allowed by law to the people called Quakers, who in cases where an oath is required from others, may make a solemn affirmation that what they say is true. This however is confined to civil cases.

**AFFREIGHTMENT**. See *Shipping, Freight*.

**AFRICA**, one of the four quarters of the world, bounded on the north by the Mediterranean, which separates it from Europe; on the north east by the Red Sea, which divides it from Asia, and to which it is attached by the isthmus of Suez; and on the

west, south, and east by the Atlantic, Ethiopic, and eastern oceans. Its greatest length from north to south is 6300 miles, and its greatest breadth from east to west 3500 miles: reaches from lat. 37° N. to 35° S. and from long. 170° W. to 50° E.

This continent, although very little explored, is from its peninsular form and central situation most eminently favourable for commerce with all parts of the world; and were it cultivated, it is capable of raising all or most of the articles of produce of both East and West Indies. No part of the world abounds more in gold, silver and copper; ivory too is one of the best branches of commerce: but the great trade of European nations with this continent is that of slaves.

Notwithstanding this country contains near 10,000 miles of coast, large deep rivers, and vast numbers of excellent harbours, yet it has no navigation, no shipping, nor trade, except on the coast of the Mediterranean. What it affords in its present state is wholly given up to the gain of others. See *Freight, African Company*, and *Slave Trade*.

**AFRICAN COMPANY**. The trade of Africa was carried on by a company called the Royal African Company, under charters granted by King Charles II. in 1661, 1663, and 1673, and subsequent proclamations. But from the heavy charges of the Company in maintaining forts, troops, factors, &c. they had become greatly in debt, and found it necessary to apply for relief to Parliament, who, on a consideration of the case determined to establish a new Company for extending and improving the trade to Africa, which was accordingly done by 23 Geo. II. By this act all his Majesty's subjects trading to Africa, between Cape Blanco and the Cape of Good Hope, are incorporated under the name of *The Company of Merchants trading to Africa*; but not to trade in their corporate or joint capacity, or have any joint or transferrable stock; each person desirous of participating in this trade, to obtain the freedom of the Company on payment of 40s. By 26 Geo. II. the Royal African Company was dissolved, and certain sums therein mentioned directed to be paid them by Government by way of compensation; and it was enacted that all contracts and agreements made by them with the kings, &c. of the coast be made over to the said Company of Merchants

Merchants trading to Africa. The old Company becoming thus divested of their charter, the trade to Africa became free to all his Majesty's subjects, on payment of 40s. as aforesaid, and was and is still carried on under the direction and subject to the by-laws of the Committee of the Company of Merchants trading to Africa; and by an act of Parliament passed in 1765, all the British forts and settlements belonging to the Company are vested in his Majesty; and other regulations are made for securing, extending, and improving the trade to Africa, which has restored it to a flourishing state; and an annual grant is made by Parliament of from 13,000l. to 15,000l. for repairing and maintaining the forts.

Our exports for this trade are cloths, woollens, muslins, and some other India goods, spices, drugs, tobacco, sugar, dying-woods, alum, paper, steel, iron, lead, toys, mercery and hard-ware, ivory and box-combs, glass-beads. Our returns are slaves, gum Senegal, ostrich feathers, indigo, gold dust, dates, raisins, copper, wax, goat skins, coral, and bitter almonds. In this enumeration is included the particulars of that small branch of trade we carry on with Sallee, Tunis, Tripoli, and Algiers.

The fort of Senegal by the peace of 1783 was ceded by Great Britain to France, in lieu of which the French king guaranteed to Great Britain the possession of Fort James and the river Gambia, both lying between the fort of Sallee and Cape Rouge; and upon this occasion the forts, settlements, and factories between those ports which by 5 Geo. III. c. 44 (repealing the preceding of 4 Geo. III. c. 20), had been vested in the King, were re-vested in the Company; this by 23 Geo. III. c. 65, was accordingly done, but the same freedom of trading thither to all the King's subjects was nevertheless continued. See *Slave Trade*.

AGENT is any person appointed to transact the business of another. It is a principle of law that whenever a man has a power as owner to do a thing, he may as consistent with this right do it by deputy, either as attorney, agent, factor, or servant. Hence it follows, that any person may draw, accept, or indorse bills by his agents as well as by himself. In these cases he is said to draw, indorse, or accept bills by *procuration*.

It has been asserted that agents should be appointed

by a formal power of attorney; but this is not necessary, for the authority of one agent to draw, indorse, and accept bills in the name of his principal is usually in words. 7 T. R. 209. 12 Mod. 654.

*His power with respect to binding his principal.* If a person be appointed a general agent, as in the case of a factor of a merchant resident abroad, the principal is bound by all his acts, but an agent specially appointed under a restrictive and circumscribed power, cannot bind his principal by an act whereby he exceeds his authority. *Penn v. Harrison*, 5 T. R. 757.

An action on the case for money had and received to the use of the plaintiff, ought to be brought against the principal, not against a receiver or collector. *Sadler v. Beances*, K. B. Mich. 7 Geo. III.

If money be mispaid to an agent, and he has paid it over, he is not liable in an action by the person who mispaid it. But if before he has paid the money to the principal, the person corrects the mistake, the agent cannot afterwards pay it over without making himself liable; and if there was no new credit, nor acceptance of new bills, no fresh goods bought, nor money advanced for his principal, the merely passing it in account is not a payment over.

When an agent is employed to buy goods, an acknowledgment under his hand-writing, of his having received them, is evidence of a delivery to the buyer. *Briggs v. Lawrence*, M. 30 G. III. B. R. 7 T. R. 341.

Where a man pays money by his agent, which ought not to have been paid, either the agent or principal may bring an action to recover it back. *Stevens v. Mortimer*, East. T. 18 G. III. T. R. B. R. Coups. 805.

If a man pay money to the known agent of another, which has been paid by a mistake, it will be a good answer to an action that he (the agent) has paid it over to the principal.

If exorbitant fees be taken by a custom-house officer from the master of a vessel, although the payment of such fees are by the statute imposed personally on the master, the owner may receive the excess in an action for money had and received; but no action lies against a steward, manager, or agent for damage done by the negligence of those employed by him in the service of his principal, but the principal, or those actually employed only, are liable.

liable. *Stone v. Cartwright*, Mich. 36 G. III. B. R. 6 T. R. 411.

If a man authorize another to refer a dispute in his behalf to arbitration, the award will be binding on the principal alone, unless the agent bind himself for the performance of the principal. 1 *Wil.* 28. 58. See *Authority, Factors*.

A general agent may insure without an order for that purpose, when it is for the interest of his correspondent that he should do so. A debt which would have given a lien on the thing insured, gives an insurable interest. A contingent and warrantable expectation of interest is sufficient to enable the party to insure. If the name of the broker effecting the policy be inserted, it is a sufficient compliance with the 28th G. III. c. 56, though he be not described therein as agent. *De Vignier v. Swanson*, 1 *Pull. & Bos.* 346. So, though it should appear that the agent named in the party be not a general agent, but only agent for that particular purpose, *Bell v. Gibson*, 1 *Pull. & Bos.* 345. To make a man an agent in such case, he must either have express directions from the principal to cause the insurance to be made, or else it must be a duty arising from the nature of his correspondence with the principal; and, no general authority which he may have in relation to a ship or goods, will make him an agent for the purpose of insuring on behalf of the parties interested: therefore, a ship's husband, regularly appointed by deed executed by all the owners, with power to advance, lend, &c. to make all payments, and to retain all claims, &c. has no right to make insurance for all or any of the part owners, without a general direction from all, or a particular direction from each. *French v. Backhouse*, 5 *Burr.* 2727.

There are three cases which an agent is bound to comply with in order to insure. 1st. Where he has effects of the principal in his hand. 2d. Where he has been in the practice of making insurances, and has given no notice to discontinue. 3dly. Where he accepts bills of lading sent him on condition to insure.

The agent as well as the broker is answerable to his employer for negligence or unskilfulness. Even if the agent prevent an insurance from being effected by limiting the broker to too small a premium, he is answerable. Also a voluntary agent is answerable if

he takes any step in the business. *Wilkinson v. Coverdale*, *Esq.* N. P. 74.

If a policy broker employs another policy broker, but omits to give him all the instructions he is furnished with, he shall answer for the loss occasioned by his omission, though he received no profits from the transaction. *Seller v. Watts*, at N. P. after Hil. 1801. M. S. The defendant in such action is not liable for the costs, unless it was brought by his desire. The agent must also act fairly by the insurer, and any fraud or concealment by him will void the policy, even though the insured be innocent of it. In such action the plaintiff shall recover, the same as in an action against the insurer. But if the agent act in the usual manner it will be sufficient. The insured may maintain trover for the policy, and recover in like manner as against the underwriters. If an agent pretend that he has effected a policy, trover will lie against him for it, though none has been effected. A broker informs his employer that he has effected a policy for him; and in trover for the policy the plaintiff shall prove his loss, as in an action against the insurer. And the broker shall not be permitted to say that no such policy exists. *Harding v. Carter* and another, at N. P. East. Vac. 1781. *Park.* 4.

Agents and brokers should keep entries of all written instruments, and of every representation. They are responsible for the consequences of any representations made without authority. See *Marine Insurance*.

AGENTS, ARMY and NAVY, receive the pay, wages, pensions, and prize money of the officers of the navy and army, their wives, widows, and children; and keep their cash-accounts nearly as bankers or merchants who act for others; officers draw upon them; and for those of approved credit the agents advance money, by application, upon their pay, &c. for which they are entitled to an allowance of 5l. per cent. They likewise pass the commissions of officers through the proper offices; they transact this business by virtue of letters of attorney from their principals. They are, by a regular routine, authorised to reimburse themselves for any advances made from the wages, half-pay, &c. which they receive next after are made.

ACIO, the difference between bank money and current



rent coin. A term chiefly used in Holland and Venice. See *Bank of Amsterdam*.

**AGREEMENT.** An agreement is a memorandum, article, or minute, importing the consent or concurrence of two or more persons; the one in disposing of, and the other in receiving some property, right, or benefit, and is generally made preparatory to a more formal instrument of conveyance. The requisites of an agreement are, parties capable of contracting, and a property, right, or benefit capable of being contracted for. An agreement differs from a deed, not only in substance, but inasmuch as it is not in general indented or sealed. An agreement may be either in writing or it may be verbal.

By 29 Car. II. c. 3. S. 4, no action can be brought whereby any executor or administrator is charged upon any special promise to answer for the debt, default, or miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing signed by the party to be charged therewith, or by some other person by him thereunto properly authorised.

No contract for the sale of goods, wares, or merchandise, for the price of 10l. sterling or upwards, shall be allowed to be good, unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the said parties to be charged, or their agents thereunto lawfully authorised. S. 17.

In expounding the above statute the courts have rather considered the spirit than the letter. Upon this principle, as the object of the statute was to prevent frauds and perjury, the operation of this act has been construed not to extend beyond that object; and courts have therefore held agreements, although verbal only, to be good in some instances. Thus, if the agreement be admitted by the party who is required to perform it; or if a parole agreement, intended to

be reduced into writing, but prevented from being so done by one of the parties, the same shall be good, notwithstanding it were verbal only, and a court of equity will decree a specific execution of such agreement.

It has been held upon the same principle, that a parole agreement in part executed shall be performed for the whole; for were a contrary construction put upon the statute, it would enable the party in whose favour such contract had been partially executed, to practise fraud upon the other who has in part executed the agreement.

**AGREEMENTS, their essential requisites.** Every agreement ought to be perfect, full, and complete, so as to shew with proper precision what is intended to be stipulated between the parties, and their perfect consent thereto; it ought also to make express provision against the possibility of failure in any of the contracting parties: this, therefore, should be guarded against by a penalty, or be so clear and certain, as to give an action or remedy therein; and it is therefore right to stipulate expressly, that the party by whose default a failure in performance shall ensue, shall reimburse the other in all costs incurred in consequence of failure in his contract.

Sealing an agreement is not necessary to take it out of the statute of frauds.

Although it is prudent that both parties should actually sign the agreement, it will be binding, notwithstanding the statute of frauds, if it be signed *by one party only*, provided the other party be so circumstanced that he can have an adequate remedy thereupon.

If one enters into a covenant with another to do a certain act in consideration of a reward, and the other prevents the stipulated thing from being literally performed, and accepts of an equivalent, he may be sued for the reward. *Hetham and others v. East India Company*, 1 Doug. 296.

An agreement to accept a bill on certain conditions is discharged if the conditions are not complied with. *Mason v. Hunt* and another, Doug. 296.

If the owners of different ships agree to indemnify each other to a certain amount, if any of their ships shall be lost, and one of them sells his ship,  
which



which is afterwards lost, the others are not liable, unless the vender has sold (together with the ship) his interest in the agreement of indemnity. *Agves v. Wilson*, East. T. 20 G. III. B. R. The same principle applies as long as the party continues interested in consequence of any agreement with the purchaser. *Reed v. Cole*, B. R. T. 4 G. III. *Burr*. 1512.

If two persons agree to perform certain work within a limited time, or to pay a stipulated weekly sum for such time afterwards as it shall remain unfinished, and a bond is prepared in the name of both, but is executed by one only, with condition for the due performance of the work, or the payment of the weekly sum, and the work is not finished in the time, such weekly payments are not by way of penalty, but in the nature of liquidated damages, and may be set off by the obligee in an action brought against him by the obligor, who executed the instrument. *Fletcher v. Dyche*, 2 T. R. 32.

A broker, when he bought goods for his principal, agreed for *one-half per cent.* to indemnify him from any loss on the resale; it was held that this undertaking was discharged, when the principal had a fair opportunity of selling to advantage, but neglected it, though he was afterwards obliged to sell at a loss. *Curry v. Edenor*, 3 T. R. 524.

At a public meeting of the dyers, drapers, whitsters, printers, and calenderers, an agreement was made that they would receive no goods unless under certain conditions, viz. to detain such goods not only for payment for work and labour performed upon the particular goods so detained, but also for work and labour of the same kind performed upon goods already delivered out of their possession, and this was held a legal agreement. *Kirkman v. Shawcross*, B. R. 6 T. R. 24.

An agreement by a friend of the bankrupt to pay all his creditors their full debts, in consideration that they will proceed no further under the commission, is good in law. *Kaye v. Bolton*, 6 T. R. 146.

If A. B. C. and D. enter into an agreement to purchase goods in the name of A. only, and to take aliquot shares of the purchase, but it does not appear that they are jointly to resell the goods: on failure of A. the ostensible buyer, B. C. and D. are

not answerable to the seller as partners. *Copper v. Eyre*, C. B. 1 Bl. 37.

If A agree to give B. a certain sum for goods in advancement of C., any secret agreement between B. and C. that the latter shall pay a further sum, is void, as a fraud on A., although the bill of sale is made to A., and B. cannot recover such further sum against C. *Jackson v. Duhaire*, 3 T. R. 552.

Mere verbal evidence will not be admitted to disprove a written agreement. *Meres and others v. Ansell and others*, C. B. 3 Wils. 275.

AGGREGATE FUND, AGGREGATE SURPLUS, the result of several things joined or added together, from whence a fund, established in the year 1715, took its name. It arises from several taxes and surplus of taxes and duties, which all united form this fund for securing the payment of the interest, and reimbursing by degrees the capital of the national debt which existed at that period.

ALBOURG, a town of Denmark in North Jutland. It has a considerable trade in herrings and corn, and a manufactory of guns, pistols, saddles, and gloves.

ALBUQUERQUE, a small city in Spain in the province of Estremadura. It carries on a great trade in wool and woollen manufactures.

ALCMAER, a city in North Holland; has a very good trade in butter and cheese, of which a great quantity is sold every year; they are esteemed the best in Holland.

ALDBOROUGH, a town in Suffolk; the principal occupation of the inhabitants is fishing, which is considerable in the season for catching herrings and sprats: the only place in England for curing sprats.

ALDERMAN, a magistrate subordinate to a mayor of a city or town corporate. The number of those magistrates is not limited, but is more or less according to the magnitude of the place. In London there are 26, each having one of the wards of the city committed to his care. This office is for life, so that when one of them dies or resigns, a wardmote is called, which returns the person they have chosen to the court of aldermen, who are obliged to admit him to supply the vacancy. All the aldermen are justices of the peace by a charter of 15 G. II. The aldermen of London, &c. are exempt from serving inferior offices, nor shall they be put upon assizes, or

serve on juries so long as they continue to be Aldermen.

ALEPPO, the capital of the Pachalic, and of all Syria; it is situated in the vast plain which extends from the Orautes to the Euphrates, and which, towards the south, terminates in the desert.

Aleppo is the emporium of Armenia, and the diarbekar; it sends caravans into Bagdad and into Persia, and communicates with the Persian gulph and India by Bussora, with Egypt and Mecca by Damascus, and with Europe by Scanderoon (Alexandretta) and Latakia. Commerce is there principally carried on by barter. The chief commodities are raw or spun cottons, coarse linens fabricated in the villages, silk stuffs manufactured in the city, copper *bourres* (coarse cloths) like those of Rouen, goats hair brought from Natolia, the gall-nuts of the Kourdestan, the merchandise of India, such as shawls and muslins, and pistachio nuts of the growth of the neighbourhood. The articles supplied by Europe are Languedoc cloths, cochineal, indigo, sugar, and some other groceries. West India coffee, though prohibited, is introduced, and serves to mix with that of Moka. The French have at Aleppo a consul, and seven counting-houses, the English and the Venetians two, and the merchants of Leghorn and Holland one. The emperor appointed a consul there in 1784.

ALEXANDRETTA, by the Turks called Scanderoon, a town in Syria, at the extremity of the Mediterranean sea. It is the port of Aleppo, from which it is distant 28 or 30 leagues. See *Aleppo*.

ALEXANDRIA, a city of Lower Egypt, situated on the Mediterranean, 12 miles west of the mouth of the Nile, anciently called Canopicum. This city was long the capital of Egypt, and one of the most magnificent in the world.

What contributed to raise Alexandria to such a prodigious height of splendour, was its being the centre of commerce between the eastern and western parts of the world. At length, however, this place, with the adjacent territories, fell into the power of the Turks; this and the discovery of the passage by the Cape of Good Hope, gave a fatal blow to its commerce, and it has fallen into decay. It formerly stood several terrible sieges, in all of which it suffered both in population and buildings.

Of later years the British and French have each had a consul at Alexandria, and carried on a considerable trade with it. The Venetians also carried on some trade here under French colours. What the consequences may be to this and other towns in Egypt, arising from the late expeditions of the French and English, and the subsequent treaty of peace, time only can shew.

The present city of Alexandria is situated on a kind of peninsula between the two ports or harbours; of these the one to the westward, called the Old Port, is by far the better of the two; there Turkish vessels alone have been allowed to anchor. The New Port, appointed for the English and other nations, is very dangerous. Alexandria is the principal sea-port of Egypt, where the trade has revived considerably during the last century. It is a place of importance in a commercial point of view. The goods exported from Egypt are, benzoin, bdellium, gum-arabic, gum-adraganth, turbit, myrrha, abissinica, incense storax, aloes, sucrotina and hepatica, sugar in powder and loaves, and sugar candy, sherbet in casks, different sorts of cinnamons from Ceylon, Malabar, and Cassia, cocoa, coriander, coffee, myrabolans, chebula, bellerica, and citrina, nutmegs, nux-vomica, cardamums, tamarinds, coloquintida pepper, mace, flax of all sorts, senna, spikenard, bastard saffron, cotton in wool and thread, hermodactyls, yellow wax, ginger, rhubarb, elephants'-teeth, wool washed and unwashed, ostrich and herons' feathers of different sorts, mummy, sal-ammoniac, nitre, scallizards, botargo, mother of pearl, blue linens of several species from different places, painted linens, mogrebin, muslins, and cambresines. Egypt also produces some stuffs, &c. &c. commodities of various materials, as of wool or wool and silk mixed, ribbons, handkerchiefs, carpets, and musk. There are likewise exported from Cairo and Alexandria, a quantity of buffaloes, ox and cow hides in the hair, red and yellow cordovans, shagreen, skins, &c.

Egypt does not want the necessary materials for making good glass, but she sends them to Venice, whence they return manufactured, though in small parcels, as the Turks never drink out of vessels of that material. There are still made in Egypt a large quantity of linens, of different qualities, and stuffs,

stuffs, with silk and cotton, silk and gold, and even velvets; though but very few of them are perfectly good.

The sorts of merchandise which Europe sends to Egypt are agarick, white and yellow arsenic, black lead, orpiment, antimony, sublimate, quicksilver, vitriol, vermilion, cinnabar, lattice and brass-wire, tin, steel, lead, paper, sattins from Florence, cloths of all sorts, caps, cochineal, coral from Messina, wrought and unwrought; red tartar, dyeing woods, and hardware.

The late expedition of the French to Egypt is known to have had a double object. The first was to obtain a passage to India, by a route which the English, though masters of the seas, could not interrupt, and then, by means of an understanding and co-operation, compel the English to quit their territorial possessions in that country, in which, however, should they fail, a commercial communication might still be kept up; besides which, Egypt itself is calculated to supply many of the articles for which we are at present indebted to Asia. The failure of this immense project, with the circumstances that attended it, are too recent and too remarkable to need any recapitulation here. The plan is probably not abandoned, but if we may judge from what is past, there is not much prospect of their success.

ALGHIERS, a kingdom of Africa, now one of the states of Barbary, situated on the south of the Mediterranean sea, between Tunis and Morocco. The climate of Algiers is in most places so moderate that it enjoys a constant verdure. The soil, however, is excessively various, some places being very hot, dry, and barren, on which account they are generally suffered to lie uncultivated by the inhabitants, who are very negligent. Those barren places, especially such as lie on the southern side, and are at a great distance from the sea, harbour vast numbers of wild animals, such as lions, tigers, buffaloes, wild boars, stags, porcupines, monkeys, ostriches, &c. On account of its sterility there are but few towns, and those thinly peopled, though some of them are so advantageously situated for trading with Billdulgerid and Negroland, as to carry on with them a considerable traffic.

The corsairs or pirates form each a small republic, of which the reis or captain is the supreme bashaw;

he and the officers under him form a kind of divan, in which every matter relating to a vessel is decided in an arbitrary way. These corsairs are chiefly employed in importing whatever commodities are brought into the kingdom, either by way of merchandize or prizes. These chiefly consist of gold and silver, stuffs, damasks, cloths, spices, tin, iron, plated brass, lead, quicksilver, cordage, sail-cloth, bullets, cochineal, linen, tartar, allum, rice, sugar, soap, cotton raw and spun, copperas, aloes, brazil, and logwood, vermilion, &c. Very few commodities, however, are exported from this part of the world; the oil, wax, hides, pulse, and corn produced, being but barely sufficient to supply the country. The consumption of oil, though produced in great abundance, is likewise so considerable in this kingdom, that it is seldom permitted to be shipped off for Europe. The other exports chiefly consist in ostrich feathers, copper, rugs, silk, sashes, embroidered handkerchiefs, dates, and christian slaves. Some manufactures in silk, cotton, wool, leather, &c. are carried on in this country, but mostly by the Spaniards settled there, especially about the metropolis. Carpets are also a manufacture of the country, which though much inferior to those of Turkey both in beauty and fineness, are preferred by the people to lie upon, on account of their being cheaper and softer. There are also at Algiers looms for velvet, taffeties, and other wrought silks, and a coarse sort of linen is likewise made in most parts of the kingdom. The country furnishes no materials for ship-building. The Algerines have neither ropes, tar, sails, anchors, nor iron. When they procure enough of new wood to form the main timbers of a ship, they form the rest from the materials of prizes which they have made, and thus find the secret of producing new and swift sailing vessels from the ruins of the old. Of all the states on the coast of Barbary, the Algerines are the strongest at sea.

The tribute paid to Algiers, as well as the continuance of its existence as a state, have long been considered as a standing reproach to all the civilized nations of Europe.

ALIENS. Aliens are persons who are not born within the dominions of the crown of England, or within the allegiance of the king; but from this rule of law

must.

must be excepted the children of the kings of England, in whatsoever parts they may be born, and the children of British ambassadors born abroad; for as the father, though in a foreign country, owes not even a local allegiance to the prince to whom he is sent, so his children are held to be born under the king of England's allegiance.

By 23 Edw. III. st. 2. in order to encourage foreign commerce, it is enacted, that all children born within the allegiance of the king, whose fathers and mothers, at the time of their birth, owe allegiance to the king, shall be the same as subjects born within the dominions of the crown, if the mother of such children has passed the sea by the consent of her husband; and it seems not to be material whether the parents of such children be married abroad or in England, or whether the father be a merchant, and resided out of the king's dominions for the purpose of merchandizing; for by the 7 Anne, c. 5, the children of all natural born subjects, born out of the dominions of the crown, shall be deemed natural born subjects of this kingdom; and this act is by the 4 Geo. II. c. 21. explained to mean all such children, whose fathers are natural born subjects at the time of the birth of such children, unless their fathers were attainted or banished for high treason, or were in the service of a prince at enmity with Great Britain. By 12 and 13 Will. III. c. 2. sec. 5. 26 Geo. II. sec. 2. c. 39, natural born subjects may inherit and make their title by ancestors born beyond sea; and by 13 Geo. III. c. 21, all persons born out of the allegiance of the crown of Great Britain, whose fathers, by 7 Anne c. 5, and 4 Geo. II. c. 21, are entitled to the rights of natural born subjects, and shall be considered as natural born subjects.

It has been determined that the issue of an English woman by an alien, born abroad, is an alien. 4 T. R. 400. Yet if an English woman marries an alien beyond the sea, and then comes into England and has issue, such issue are not aliens, but may inherit.

By 13 Geo. III. c. 14, aliens are enabled to lend money on the security of mortgages in the West India colonies, and have every remedy to recover the money so lent, except foreclosing the mortgage, and

obtaining possession of the land. But the interest is not to exceed five per cent. The security is effectual, and may be prosecuted for, whether the foreign state to which such alien is subject be at war with the kingdom or not. An alien may acquire property and goods, money, and even personal estates, and may hire a house and warehouse for his accommodation as a merchant-stranger, whose prince or state is in league with ours, but cannot take a lease for years of land, meadow, &c. for the law provides him nothing but a habitation to trade and traffic in. As a merchant, he may trade as freely as other people, but subject to certain duties, denominated aliens' duty at the custom-house; and also may bring an action concerning personal property, and dispose of the same by will. The children of aliens, born in England, are, generally speaking, natural born subjects, and as such are entitled to every privilege. An alien friend may be an administrator, and have administration of leases as well as even personal property; because he had them of another right. No alien shall be returned on any jury, nor be sworn for trial of issue between subject and subject, &c.; but where an alien is a party depending, the inquest of jurors are to be half denizens and half aliens; but in cases of high treason this is not allowed. 2 Inst. 17. The children of aliens, under 21 years of age, cannot be merchant-traders within this realm, or enter any goods in their own name at the custom-house. 13 and 14 Car. II. c. 11. sec. 10.

By st. 35 G. III. c. 56 and 92, foreigners employed in carrying on the herring, cod, ling, haddock, or other white fisheries, or the fisheries carried on in the Greenland Seas or Davis's Streights, or turbot fisheries, &c. taking the oath of allegiance, and obtaining a certificate thereof, may import and export fish, duty free, and with the same advantages as British subjects, and be entitled to all the premiums, bounties, &c. granted by the 26 Geo. III. c. 81. and 27 G. III. c. 10. and may be considered as British mariners, subject to similar rules, regulations, penalties, &c. and by taking the oath specified in this act, may, by an order of the privy council, have any vessel they may bring into any British port properly registered, obtain a certificate of registry, which shall



shall be entitled to all the privileges of a British built ship. S. 7, 8.

Any person qualified as above is entitled to purchase, or take by descent, and hold any estate in lands, tenements, or hereditaments (not exceeding 100 acres), in the same manner as any natural born subject of this kingdom; and such person may import ships, tackle, &c. so as such ships, &c. are not imported by way of merchandize. S. 10, 11.

By st. 42 G. III. c. 92, all former acts relative to aliens are repealed, and the following provisions are enacted: When and so often as his majesty, by proclamation, or by order in council, under his sign manual; or the lord lieutenant, or other chief governor or governors, and the privy council of Ireland, shall, by proclamation, or by order of council, direct that any alien who may be within this realm, or may hereafter arrive therein, shall depart this realm within a time limited in any such proclamation or order respectively; and any such alien shall knowingly and wilfully refuse or neglect to pay due obedience to such proclamation or order, as the case may be, his majesty's principal secretaries of state, or the lord lieutenant, or other chief governor or governors of Ireland, or his or their chief secretary, or any justice of the peace, or chief magistrate, may cause every such alien to be arrested, and committed to the common gaol of the county or place where he or she shall be so arrested, there to remain, without bail or mainprize, until taken in charge for the purpose of being sent out of the realm, under the authority specified in this act for that purpose.

Every such alien so knowingly and wilfully refusing or neglecting to pay due obedience to any such proclamation or order, or found in this realm, or any part thereof, contrary to such proclamation or order, and who has been lawfully convicted thereof, is to suffer imprisonment for any time not exceeding one month for the first offence, and not exceeding twelve months for the second, and at the expiration of such term of imprisonment, to depart out of the realm within a time to be limited by the judgment: and if such alien be found therein after such time in such judgment so limited, without lawful cause, being duly con-

victed thereof, he or she is to be transported for life. S. 2.

Secretaries of state, or the lord lieutenant of Ireland, &c. may grant warrants to conduct such aliens out of the kingdom as they apprehend will not pay obedience to proclamations, &c. S. 3.

The master or commander of every ship or vessel which arrives in any port or place of this realm, shall, immediately on his arrival, declare in writing to the officer of the customs especially appointed for that purpose, at or near such port or place, whether there are, to the best of his knowledge, any aliens on board his said vessel, or who have to his knowledge landed or been landed therefrom, and shall in his said declaration specify the number of aliens, if any, on board his said vessel, or who have to his knowledge landed therefrom, and also specify their names and respective rank, occupation, or description, as far as he shall be informed thereof. S. 4.

The master or commander of every vessel who refuses or neglects to make such declaration shall, for every such offence, forfeit the sum of ten pounds for each alien who has been on board at the time of the arrival of such ship or vessel, or who shall have to his knowledge landed, or been landed therefrom as aforesaid, whom he shall have wilfully refused or neglected to declare as aforesaid; and in case such master or commander neglects or refuses forthwith to pay such penalty as he shall be adjudged to pay in manner aforesaid, the officer of the customs so appointed may detain such vessel until the same shall have been paid. S. 5.

Nothing herein-before contained shall extend, or be construed to extend, to any mariner whom the master or commander of any ship or vessel, arriving in any port or place in this realm, shall certify to such officer of the customs as aforesaid, in writing, subscribed by such master or commander, to be actually engaged and employed in the navigation of such ship or vessel, during the time that such mariner remain actually so engaged and employed; and which certificate, in writing so subscribed as aforesaid, every such master or commander is hereby required to give.

Every



Every alien who arrives in this realm, at any port or place therein, after the passing of this act, shall, immediately after such arrival, declare in writing to such officer of the customs, at or near such port or place, the name of the ship or vessel in which he or she shall have come to this country; and every alien who so arrives, and also every alien who departs from any port or place of this realm, after the passing of this act, shall immediately after such arrival, or before such departure respectively, declare in like manner to such officer as aforesaid, his or her name and rank, occupation or description; or if a domestic servant, then also the name, rank, and description of his or her master or mistress; or shall verbally make to such officer as aforesaid, such declaration, to be by him reduced to writing, and shall also in like manner declare the country or place from whence he or she has come, and the place to which he or she is then going, his or her profession or occupation, and the name and place of abode of the person to whom (if any) he or she is known; and that every such alien coming into this realm, who shall neglect to make declaration of the aforesaid particulars, or wilfully make any false declaration thereof, may for every such offence, on conviction thereof, be imprisoned for any time not exceeding three months, or may at the discretion of the court, be adjudged to depart this realm, and all other his majesty's dominions, within a time to be limited in such judgment; and if found therein after such time in such judgment so limited, without lawful cause, he or she shall, being duly convicted thereof, be imprisoned for any term not exceeding twelve months, and at the expiration of such term of imprisonment to be sent out of the realm; and if such alien be found therein after such time in such judgment so limited, without lawful cause, such alien being duly convicted thereof, shall be transported for life. S. 7.

The officers of the customs shall register such declarations in a book. S. 8.

Aliens (except domestic servants) shall, within a week after their arrival, produce their certificates to the chief magistrate of the place, or to a justice; or where the certificate is lost, deliver in an account of the particulars. S. 9.

Justices shall grant certificates in lieu of such as shall appear to be lost, &c. S. 10.

Officers of the customs, and magistrates to whom certificates shall be produced, shall transmit, weekly, copies of entries and certificates to the secretary of state. S. 11.

No fee to be taken for granting certificates, on penalty of fifty pounds; and officers of the customs neglecting to make entry, or to grant certificates, &c. shall forfeit 100l. S. 12.

No foreign ambassador or other public minister duly authorised, nor the domestic servants of any such foreign ambassador or public minister, registered as such according to the directions of the laws in force for that purpose, or being actually attendant upon such ambassador or minister, shall be deemed an alien within the meaning of this act. S. 14.

This act not to extend to aliens under fourteen years of age. Proof whether any person is or is not an alien shall lie on the party. S. 15.

Justices of the courts of Westminster or Dublin, &c. may admit aliens to bail; as may also any justice, by authority of a secretary of state. S. 16, 17.

Aliens ordered to be transported, and afterwards found within the realm, shall be deemed guilty of felony. S. 20.

In case of requisition made pursuant to treaty between his majesty and the French republic, &c. for the delivery of persons accused of crimes, one of the secretaries of state, &c. shall signify the same, and require magistrates, &c. to apprehend the persons accused, and deliver them over to justice. S. 21.

When aliens have been in custody for two months, in order to be sent out of the realm, justices of the courts, &c. may, on proof being made that notice had been given of such application to a secretary of state, either continue in custody, or discharge such aliens. S. 22.

Powers given to the lord lieutenant of Ireland, &c. not to extend to the case of aliens arriving in Great Britain. S. 27.

ALIEN-DUTY, an impost laid on all goods imported by aliens, over and above the customs paid for such goods, imported by British, and on British bottoms.

**ALIENS-DUTY** is otherwise called *petty customs* and *navigation duty*. Fish dried or salted, and cod-fish and herring not caught in British vessels, and cured by British, pay a double *aliens-duty*. On what footing aliens are permitted to import foreign commodities into Great Britain, see *Customs*.

**ALLAY**, or **ALLOY**, is a mixture of several metals, or several portions of the same metal, of a different degree of fineness. No gold or silver coin is made in this country without allay, which is principally of copper, according to a certain proportion fixed by the rules of the Mint.

Jewellers, gold wire drawers, gold beaters, and gold and silver smiths, are obliged to use allay in the silver and gold which they work, in order to render them harder and more durable.

In the coinage of money there are two species of allays, viz. one when gold and silver are used, which have not been coined, the other when several species of coin or ingots of different fineness are melted together to coin new money.

The proportion of allay in the first case is ascertained with little difficulty, since, when once the fineness of the gold or silver is known by refining, it is only adding to it the allay of copper required by law, to bring it to the legal standard.

The standard of gold in England is 22 carats of fine gold and 2 carats of allay, in the pound troy, and the French, Spanish, and Flemish gold are nearly of the same fineness. The pound weight is cut into 44 pieces and an half each, current for 21 shillings.

The standard for silver is 11 ounces 2 pennyweights, and 18 pennyweights of allay of copper; the allay in gold coin is silver and copper, and in silver coin, copper alone. Whether gold or silver be above or below the standard is ascertained by assaying.

**ALLEGIANCE** is the duty from the subject to the sovereign, for that protection which such subject receives, and it may be either perpetual and natural, or local and temporary. Natural allegiance is due from every person born within the king's dominions, and cannot be forfeited, cancelled, or altered by any change of time, place, or circumstance, nor by any thing, but an act of the legislature; the natural born subject cannot by any act of his own, not even

by swearing allegiance to another, discharge his natural allegiance to the former, for this natural allegiance was intrinsic, primitive, and antecedent to the other.

*Local allegiance* is due from an alien so long as he continues in the king's dominions and under his protection, and ceases the instant such stranger departs from one kingdom to another. See *Aliens, Denization, Naturalization, Law of Nations*.

**ALLIES**. See *Law of Nations*.

**ALLOTMENT** is when a ship's cargo is divided into several parts, that are to be bought by divers persons, whose names are written upon so many pieces of paper, which are applied by an indifferent person to the several lots or parcels; by this means the goods are divided or allotted without partiality, because every man has the lot of goods to which his name is affixed. See *Candle, Sale by Inch of*.

**ALLOWANCE**. See *Bankrupt*.

**ALLOWANCES** is a term used at the custom-house to goods rated by weight, and it is of two kinds, viz. draught and tare; draught is first to be deducted, and afterwards the tare, where any such is customary. For the mode of making the allowance for draught, see *Customs*.

**ALMANACK**, a table or book containing a list or calendar of days, months, the rising and setting of the sun, age of the moon, and motions of the heavenly bodies, eclipses, &c. The Stationers Company claim an exclusive right to print almanacks in virtue of a patent. This question has been repeatedly tried, but never received any positive determination. 10 Mod. 107. 4 Burr. 2329, 2382, 2402. and 2 Black Rep. 1009.

The almanack is part of the law of England, of which the courts must take notice in the return of writs, &c. but the almanack to go by is that annexed to the Book of Common Prayer. Mod. Cas. 41, 81. See *Calendar*.

**ALPHABET**, among merchants and traders, is an index with the twenty-four letters in their natural order, in which are set down the names and surnames of those with whom open accounts are kept, and which refers to the folio of the ledger where those accounts are written in the form of debtor and creditor, serving to find easily, and without any trouble, such accounts as are necessary to be referred to. See *Book-keeping*.

AMBASSADOR is a person appointed by one sovereign power to another, to superintend his affairs at some foreign court. The sending of ministers being a necessary means of treating of state affairs, the right to send them becomes one of the natural rights of sovereignty. These ministers are now employed, not only to negotiate the affairs of the sovereign by whom they are sent, but on points of ceremony also; and since the introduction of perpetual embassies, sometimes the principal business of such a minister is, to watch over the interests of his state, and communicate an exact account of every transaction that passes, and of which it imports his state to be informed.

The principal object in sending embassies proves clearly, that the right of sending ministers belongs to all those states which have a right to treat with foreign powers in their own name; consequently, all free states have a right to send ministers to foreign courts. In monarchies, this right may belong solely to the sovereign, or it may so happen that the state participates in it. This depends on the internal constitution of each state in particular. But no subject, part of a state, no person, however distinguished by his rank or abilities, that has not a right to treat with foreign nations in his own name, has a right to send embassies. In the communications between sovereigns and their subjects, the former sends commissioners, and the latter deputies; but neither of the two have the prerogatives of ministers. The latter have them not, for want of authority in those by whom they are sent; and the former, for want of the consent of the sovereign; besides, neither of them stand in need of such prerogatives.

The right of sending ministers making part of the rights of sovereignty, it returns, in case of a vacancy of the throne, into the hands of the people, or of those who are authorized to exercise the sovereign power in the *interim*. A sovereign who abdicates his crown, loses with it his right of sending ministers; but the simple loss of possession, when involuntary, does not always carry with it the loss of right.

Those only who have a right to send ministers, have a right to receive them. Every sovereign may dictate the conditions on which he may receive ambassadors, and fix the manner of their reception.

Ambassadors are divided into *ordinary* and *extraordinary* and when there are both at the same court, the ambassador extraordinary takes precedence. Among the ministers inferior to ambassadors, the following is now considered the order of precedence: Ministers plenipotentiary, envoys, ministers, ministers resident, residents, ministers *chargés des affaires*. Their precedence, however, depends still more on the precedence claimed by and allowed to their sovereign, than on their quality of minister. Thus the simple *chargés des affaires*, although they have not the title, having the essential rights of ministers, do not yield the precedence to ministers, residents, &c. if their court does not yield this point. Agents of private affairs, agents resident, counsellors of legation, and titulary agents, are all excluded from the rank, title, and privileges of ministers.

Before a minister can be acknowledged at a foreign court, he must produce a letter of *credence* from his sovereign; and those ministers that are entrusted with a negotiation, must also produce their *full powers*, which are sometimes included in the letter of credence, and at others, drawn up separately, in the form of letters patent. Having presented his letter of credence to the secretary of state of the court where he is sent, the minister then obtains an audience of the sovereign.

Foreign ministers in every state enjoy an inviolability beyond any other person. The sovereign, therefore, to whom they are sent, must abstain from every violence against the person of a public minister sent to his court, and ought to punish every act of violence committed against him by the subjects of such sovereign, either absolute or temporary. In the event of a rupture between two courts, the ministers are permitted to return home in perfect security.

The universal law of nations acknowledges in the minister, an entire independence in every thing that concerns, either directly or indirectly, his functions as minister, and considers him in that respect as *extra-territorial*. In virtue of this, he, as well as his retinue, are exempted from the civil jurisdiction of the state. But with respect to property, that which belongs to him in any other quality than that of minister, is subject to the jurisdiction of the state, and may be seized for causes not relative to his quality of minister.

nister. And when his mission is once terminated, if he attempt to quit the state without paying his debts, the state may refuse to let him depart, or, at least, to carry away his property, and may even seize on the latter. This right, however, has seldom been exercised. In England, by statute 10 Anne, c. 7, foreign ministers give in to the secretary of state a list of their retinue, and those alone are exempted from the civil jurisdiction of the state.

Ministers, and to a certain extent their retinue, are also exempted from the criminal jurisdiction of the state to which they are sent. Yet, if the minister commit a crime immediately against the safety of the state, the sovereign has a right to act against him as against an enemy of the state. His person may be seized, and he may even be put to death, like another enemy. This, however, is a principle which it might be dangerous to put in practice. The custom among the powers of Europe is, when a minister has committed a crime of a private nature, to demand his recall, and if it be a state crime, to seize his person, and keep him confined as long as the state is in danger, and when that danger ceases to exist, to send him home. But even imprisonment is seldom had recourse to, if the danger be not so very pressing as to render it unsafe to send him home, or write for his recall.

It is of little consequence to a state, whether the retinue of its minister be exempt from the criminal jurisdiction of the country where he resides; and it often happens, that a court does not grant the same exemptions to the retinues of foreign ministers, as its own ministers claim for theirs. The retinue of the minister, where exempt from the jurisdiction of the state, ought to be subject to that of their master, or of his and their sovereign. It belongs to the two sovereigns to ascertain the degree of jurisdiction that the minister shall exercise over his retinue, for this point is by no means settled. Ambassadors claim a sort of civil jurisdiction over their retinue, and which is very often granted them; but with respect to criminal jurisdiction, the right claimed by some ministers of imprisoning their servants in their own house, and of sending them in custody to their sovereign, has not generally been granted them; and much less does their extra-territoriality extend to pronouncing a criminal sentence, and causing it to be executed.

According to the principles of the natural law of nations, it would appear, that if the minister know that an accused person has taken refuge in his house, he ought not, unless for some cogent reason, to refuse to deliver him up. However, according to modern custom, ministers, on the ground of the extra-territoriality of their dwelling, or particular usages, claim the right of granting an asylum, and regard as an infraction of the law of nations, every violent measure taken by the court at which they reside, in order to force from their dwellings any person that may have taken refuge there. Courts do, nevertheless, come to these extremities, when gentler means fail, particularly when a state criminal is in question.

The right of ministers in respect of religion comprehends, 1st, the right of keeping a chaplain and other subordinate ministers; and 2d, that of performing in his own dwelling all the acts and rites of his religion; but 3d, the exercise of this devotion is only the right of the minister, his family, and retinue. Every state may forbid its own subjects, and even foreigners, to frequent the chapel of a foreign minister. In this, however, few states are very rigorous.

The extra-territoriality of the minister exempts him and his retinue from personal imposts. With respect to duties on merchandize, an exemption from them is not essential to the quality of minister. The immoveable property of a minister, should it even be the house in which he lives, is not exempted from the ordinary imposts, neither are such moveable effects as it is clear he possesses not in the quality of minister. He cannot claim an exemption from ordinary tolls for turnpikes, bridges, &c. nor for postage for his dispatches.

Some embassies have nothing to do with negotiation, such as embassies of ceremony, those that are sent to give satisfaction or explain mistakes, and sometimes even embassies in ordinary. When negotiations are to be opened, the manner differs with different states. A minister sometimes negotiates with the sovereign himself, sometimes with his ministers, and that either verbally, or by memorials and notes.

Ministers being mandataries of the state, it follows that their letters of credence, and full powers, must become void on the death of their own sovereign,



reign, or the sovereign to whom they are sent. But, in practice, when circumstances make it reasonable to suppose that the interruption will not continue any considerable time, it is usual for the court to whom they are sent to continue to treat them as ministers. This, however, depends wholly on the sovereign at whose court they reside.

An embassy is terminated by a recall. 1. When the object of the mission is accomplished. 2. On account of something that has no relation to the court at which the minister resides. 3. At the request of a court which complains against the minister, and demands his recall. 4. For reasons of state; for instance, by way of retaliation, in consequence of an infraction of the law of nations; and, in general, in consequence of any dispute which threatens a rupture between the two powers. In this case, the minister is often ordered to depart without taking leave; but in other cases he ought to request an audience of leave, and there present his letters of recall. Sometimes the sovereign at whose court a minister resides, obliges him to quit his territory. This is done by way of retaliation, or in consequence of the misconduct of the minister, or in the case of an approaching rupture.

Ministers passing through the territory of a third power, either going on or returning from their mission, are entitled to no immunity or privilege beyond private individuals. But it is customary to treat them with distinction, and they often enjoy many of the prerogatives granted to foreign ministers.

Sometimes a sovereign sends a person of confidence to treat in secret of some affair of importance, without giving him the quality of minister, or at least without permitting him to assume it openly. If the court to which he is sent be informed of the object of his mission, he ought to be granted all the inviolability due to a minister. But such persons can demand no part of the ceremonial due to them as ministers, while they forbear to discover their quality as such; and in general they are looked on by all the other ministers as private individuals.

By the civil law, the person of ambassadors cannot be arrested, neither can his moveable goods be seized on as a pledge, nor for payment of debts, though by leave of the king or state where he may be resi-

dent; but on refusal of payment, letters of request are to go to his master. *Melley*, 157. And it was decided in Barbut's case, that the law of nations touching ambassadors, in its full extent, is part of the law of England; and the act 7 Anne, c. 12, is only declaratory of that law. 3 *Burr*. 1748.

By the above cited act, 7th Anne, c. 12, an ambassador or public minister, or his domestic servant, are to be registered in the office of the secretary of state, and thence transmitted to the sheriff's office of London and Middlesex, and are not to be arrested; if they are, the process to be void; and the persons suing out and executing such process, shall suffer such penalties and corporal punishments as the lord chancellor or either of the chief justices shall think fit; and by the same statute, the goods of an ambassador shall not be distrained. But the persons claiming privilege as servants of an ambassador, must be such as are really and *bona fide* retained and registered in that capacity; and the act itself expressly prohibits its extension to merchants and traders liable to the statutes of bankruptcy. *Com. Dig. Tit. Ambassador*.

AMBERG, a city of Germany, the capital of the palatinate of Bavaria. It has a great trade in iron and other metals found in the neighbouring mountains.

AMBOYNA, one of the Molucca islands in the East Indies, is the centre of the commerce for nutmegs and cloves, which is entirely monopolized by the Dutch East India company. The more effectually to preserve this trade, the Dutch have had all the clove trees in the adjacent islands grubbed up. Sometimes also, when the harvest is very large, part of the produce of Amboyna itself is burnt; and every means is employed to prevent the rearing of cloves in any of the neighbouring islands, or the inhabitants from selling them to strangers.

Besides cloves, coffee is also cultivated here by the Dutch; and a gold mine has been lately found out. This was discovered by the quantities of gold dust that were washed from some mountains by the torrents; here also grow several kind of valuable woods, of which are made tables, chairs, and other furniture, &c. for the principal persons in the government; and the rest are sold all over the Indies at a very extravagant rate.

AMERICA, the largest of the four quarters of the world,



world, was first discovered by Christopher Columbus in 1492. This immense continent, which is divided into North and South America, extends from 87. N. lat. to 57. S. long. In such a variety of climates, there must necessarily be a great diversity of soil, and of consequence a great variety of produce. In fact, it produces most of the plants, grains, trees, metals; minerals, &c. found in other countries; besides a great number peculiar to itself. The inexhaustible mines of gold and silver in the provinces of South America, were the first grand attraction to its discoverers, and continue, through Spain principally, to supply all the world with these valuable metals. Nor are gold and silver the only rich productions; there have been such great quantities of pearls, emeralds, amethysts, and other precious stones found there, and brought into Europe, that the value of those commodities is considerably diminished since the discovery of America.

To these may be added a vast number of other commodities, which, though of a less price, are nevertheless still very valuable and useful. Of this sort are cochineal, indigo, annatto, logwood, Brazil, fustic, lignum vitæ, sugar, rum, ginger, pimento, cacao, vanilloes, cotton, red wool, tobacco, turpentine, train oil, naval stores, furs of various sorts, hides, ambergris, bezoar, balsams of Tolu, Peru, and Chili, Jesuits bark, sassafras, sarsaparilla, cassia, tamarinds, and a variety of other drugs, woods, and plants.

AMERICA, UNITED STATES OF. The following are the names of the several United States: New Hampshire, Massachusetts's Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. On the 4th of July 1776, the congress published a declaration, in the name of those different states, of their independence; and this independence was acknowledged by Great Britain, by the preliminary articles of peace, 30th November 1782. Since that time two additional states have been established, Vermont and Kentucky. For an account of the commerce, &c. of the United States, see each of them particularly. See *Bank of the United States*.

AMERICAN COINS. See *Money*.

AMERICAN STOCKS. See *Public Funds*.

AMIENS, a large, handsome city of France, the capital

of Picardy, now the department of la Somme, has some linen and woollen manufactures, and also makes a large quantity of black and green soap.

AMMUNITION. See *Gunpowder*.

AMSTERDAM, the capital city of the province of Holland, and of the United Netherlands, is seated on the river Amstel, and an arm of the sea called the Wye. The air is but indifferent, on account of the marshes that surround it, and render the city almost inaccessible; but this inconvenience is abundantly recompensed by the utility of its commerce, which the port serves greatly to promote, for it will contain above 1000 large ships.

The *Bourse* or Exchange, where the merchants assemble, is all of free-stone, and built upon 2000 wooden piles; its length is about 250 feet, and its breadth 140. The galleries are supported by 26 marble columns, upon each of which are the names of the people that are to meet there; they are all numbered, and there is a place fixed for every merchandise under some one of these numbers. On the right hand of the gate is a superb stair-case which leads to the galleries, on one side of which there are several shops, and on the other a place to sell cloths. It is not unlike the Royal Exchange, London.

The East India Company occupies a large building, divided into several offices or apartments. In some of those they have great stores of packed goods, and likewise a room with all sorts of drugs, tea, wax, ambergris, and musk. Here they have a magazine full of medicaments for surgeons chests, to furnish the Company's ships and garrisons in the Indies; as also large magazines of nutmegs, cloves, mace, and cinnamon.

The trade of Amsterdam is prodigious, for almost the whole trade of the East India Company centres in this city, which, besides, carries on a commerce with all the rest of the world, insomuch that it may be called the magazine or store-house of Europe. They import a vast deal of corn from the Baltic, not so much for present consumption, as to lay up against times of scarcity. The richest spices are entirely in the hands of the East India Company, who furnish all Europe therewith. They have vast quantities of military stores, with which they supply several nations.

See *Bank of Amsterdam*.

ANCHOR, a heavy, strong, crooked instrument of iron,

iron, dropped from a ship into the bottom of the water, to retain her in a convenient station in a harbour, road or river. Every ship has (or ought to have) three principal anchors, with a cable to each, viz. the *sheet*, the *best bower*, and *small bower*, so called from their usual situation on the ship's bows. There are besides smaller anchors, used in removing a ship from place to place in a harbour or river, where there may not be room or wind for sailing; these are the *stream anchor*, the *kedge*, and *grapling*; this last, however, is chiefly designed for boats. Ships not furnished with the proper anchors cannot recover insurance. See *Anchorage, Marine Insurance*.

**ANCHORAGE**, a duty paid by ships for the use of the haven where they cast anchor. As all ports and harbours belong to the sovereign, no person can let an anchor fall therein without paying for the same to officers belonging to the state.

**ANDALUSIA**, the westernmost province of Spain, has a fertile soil, and a great extent of sea-coast fit for commerce, but enjoys little trade.

**ANDALUSIA (New)**, a part of the Spanish Terra Firma, in South America. The produce of this country consists chiefly in dye-woods, gums, medicinal roots, Brazil wood, sugar, tobacco, and some valuable timber. Here are also some pearl fisheries.

**ANGOURA, ANGORA, or ANGORI**, a city of Anatolia, in Asia. Here are bred the finest goats in the world, and their hair, which 's of a dazzling white, is almost as fine as silk, and nine inches in length; it is worked into very fine stuffs, particularly cambiet. All the inhabitants are employed in this manufacture; several large caravans pass through this city to different places.

**ANGOO**, a small kingdom of Loanga, in Africa. Its chief port is Cabinda, Kabenda, or Cubenda, situated on the mouth of a river of the same name, about five leagues north of Cape Palmerino, on the north side of the Fairy's Mouth, a bay very commodious for trade, or wooding and watering along the shore; the English 'have a factory on the south-west of the road.

**ANGRA**, a city of Tercera, one of the Azores, the capital of this and all the other islands, and the residence of the governor. The harbour is equally secured against storms and the ravages of an enemy, the entrance being narrow, and covered by the batteries

on each side. The English, Dutch, and French have each a consul residing here, but the trade is very inconsiderable.

**ANJENGO**, a small town and factory with a fort, on the coast of Malabar. This settlement supplies our East India Company with pepper; and its situation is also very convenient for giving intelligence to our ships touching for Europe, or for any part of India.

**ANJOU**, a late province of France. It now forms with the late provinces of Maine and Touraine the four departments of Maine and Loire, Indre and Loire, Maine and Sarthe. The trade consists almost entirely in wine, flax, and hemp, of which they make a great deal; of thread and linen; in slate from the quarries, and coals and iron from the mines; in blanching linen, and wax; in refining sugar and salt-petre in the forges and glass-houses; and, lastly, in druggets of all sorts.

**ANNAPOLIS ROYAL**, a town of Nova Scotia; is seated in the bay of Fundy, and was formerly the capital of the province; it has one of the finest harbours in America, capable of containing 1000 vessels at anchor in the utmost security. There is a trade carried on by the Indians of furs, which they exchange for European goods.

**ANNUITIES**. See *Public Funds*.

**ANTIGUA**, one of the Antilles or Caribbean islands, situated 20 leagues east of St. Christopher, in W. long. 62. 5. and N. lat. 47. 30. It is about 50 miles in circumference: the island having no rivers, and but few springs, or such as are brackish, the inhabitants are obliged to preserve the rain water in cisterns: but it has excellent harbours, particularly English Harbour, which is capable of receiving the largest man of war in the navy. Here is also a dock-yard, supplied with all stores and conveniences for repairing and careening ships: the principal trade, however, is carried on in the harbour of St. John's, the capital, situated in the north-west part of the island, and which has water sufficiently deep for merchant vessels. The produce of this island is cotton, coffee, sugar, and rum. St. John's is a free port.

**APPEAL**, signifies the removal of a cause to a superior controuling tribunal; the party bringing the appeal is termed the appellant. An appeal is frequently brought in matters of trade; and from decisions

in the Plantations an appeal lies to the king in council.

Appeals are often brought for purposes of delay ; but in these cases they are usually set aside, the former sentence confirmed, and the party condemned to pay costs.

A time is limited for making appeals, after which time no appeal can be lodged ; this time differs according to the several courts or jurisdictions.

With respect to appeals from convictions before commissioners of excise, see *Excise*.

**APPRAISEMENT** is the valuation of any stock in trade or merchandise, to ascertain the fair value between the seller and purchaser : this valuation is generally taken by an appraiser, sworn upon oath to make a fair estimate.

Appraisements are made sometimes jointly, each party agreeing to have the same appraiser or appraisers ; and sometimes in opposition, each party choosing one or more of a side.

The usual mode of making an appraisement is, for each one for himself to take an inventory of every article, and make its value with his own private marks. When the appraisers have gone through the whole of the articles, they declare their respective estimates in the gross sum ; and sometimes, although very rarely, of particulars.

When appraisers value against one another, if they happen to differ considerably in their valuations, they reconsider the estimate, and generally reduce it to an average ; and in some particular cases, they are compelled to take the goods upon their own valuation, if the parties should think proper to relinquish them. For more upon this head, see *Auctioneers, Brokers*.

**APPRENTICE.** An apprentice is one who is bound by covenant to serve a certain time, upon condition of the master instructing him in his art or mystery.

By 5 Eliz. c. 4, an infant may voluntarily bind himself apprentice by indenture ; but no remedy at law lieth against an infant on his covenant. If the father covenant, it will of course bind the father, but the son must be a party, otherwise it is no apprenticeship. *Whitby v. Loftus*, 8 Mod. 190.

A man may by law chastise and correct his apprentice ; but if the master and his apprentice cannot agree, they may proceed upon the stat. 5 Eliz. c. 2

G. II. c. 19 ; for by virtue of these statutes apprentices to trade may be discharged on warrantable cause, either on request of themselves or masters, at the quarter sessions, or by one justice, with appeal to the sessions, who may by the equity of the statute, if they think it reasonable, direct restitution of a rateable proportion of the money given with the apprentice. *Salk.* 67. And by stat. 20 G. II. c. 19, parish apprentices may be discharged in the same manner by two justices. But if an apprentice, with whom less than 10*l.* has been given, run away from his master, he is compellable to serve out his term of absence, or make satisfaction for the same, at any time within seven years after the expiration of the contract. Stat. 6 G. III. c. 26.

If an apprentice leave his master's service before his time be expired, his master is entitled to all his earnings. *Vez.* 83.

If a person entice away an apprentice, he may be indicted, and the master has a remedy for damages by action. 6 Mod. 182. *Burr. Mans.* 1306.

The master assigning, and the apprentice consenting, will not make him an apprentice ; but, by the custom of London, he may be turned over to another ; and an assignment to the sea service is good by statute.

An apprenticeship is a personal trust between master and apprentice, and determines by the death of either of them ; and where a master dies, an apprentice is not obliged to serve the executors or administrators for the remainder of the term. *Baxton*, widow and executrix, against *Burfield, Doug.* 1266.

Whatever an apprentice gains is for the use of his master. Enticing an apprentice to embezzle goods is indictable ; not providing for, or turning away an apprentice is actionable. If a master gives an apprentice licence to leave him, it cannot be recalled. Mod. Cas. 70. If an apprentice marries without the master's consent, that will not justify his turning him away, but he may sue him on his covenant. 2 *Vern.* 242. By the custom of London a freeman may turn away his apprentice for gaming. *Id.* 241. As no apprentice can be made without writing, so none can be discharged by his master but by writing.

Masters and apprentices in the city of London are regulated by the customs of that city.

By that custom every apprentice bound to a free-

man must be full 14 years of age, and his agreement must not be for a less term than seven years.

If he break any of the covenants, an action may be brought against him as if he were of full age. *Green's Privilege of the City*, 27.

Every freeman ought to enrol his apprentice within the first year of his time before the chamberlain; if the apprentice be not enrolled within the first year of his term, he may at any time be discharged from his master. *Ibid.* 28.

If an apprentice refuse to be enrolled within the first year, the master may bring his indentures to the chamberlain, who will record the same, which record is as good as an enrolment, and will bar the apprentice from suing out his indenture for not being enrolled. *Ibid.*

An apprentice in London may be discharged from his master in the following cases: if the master gives him unmerciful correction; if he do not provide for him good and wholesome necessaries; if the master turn him away, or refuse to receive him into his service; if he leave off trade, and do not provide another master for the apprentice; if he remove out of the freedom; if he neglect or refuse to instruct the apprentice in his art and trade; if the apprentice shall be under 14 years when bound, or shall be bound for less than seven years; or if he shall not be enrolled within the first year. *Ibid.*

*Mode of discharging an apprentice in London:* The indenture, or a copy of it, must be brought to an attorney at the Lord Mayor's Court, who will immediately cause notice to be given to the master, by a proper officer, of the apprentice's intention to sue out his indenture, and for what cause; and, after four days, will summon the master to shew cause why the apprentice should not be discharged. If the complaint be for not being enrolled, the master cannot prevent it; but if it be for any other of the causes before mentioned, the master may appear and plead, and try the matter. No costs in this case are given to either party. *Green*, p. 31.

When an apprentice has faithfully served the full term of seven years, and the master refuses to make him free, the chamberlain, upon complaint, will cause the master to be summoned before him; and if the master cannot shew good cause for such his

refusal, he will make the apprentice free; and if a freeman refuse to appear before the chamberlain, being duly summoned, the lord mayor or recorder, upon complaint, will grant a warrant to compel him to appear. *Ibid.* 206.

Where an apprentice is by consent to be turned over to another master, he must first be turned over by the company where he was bound, and then be turned over by the chamberlain, which is an enrolment, and discharges the first master, and binds the other parties. *Ibid.* 207.

If an apprentice wilfully omit to take up his freedom within a reasonable time, the chamberlain may fine him. *Ibid.* 209.

A master may be disfranchised for testifying that his apprentice had served a freeman, if in fact he was turned over to a foreigner, or that he had served seven years, if he had not done so. *Ibid.*

By stat. 8 Anne, c. 9. where a premium is given with an apprentice, the indenture must be, within the bills of mortality within one month, and elsewhere within two months after the date, taken to the stamp office, in the former case, and in the latter, either to the stamp office, or the collector of stamp duties, and the master or mistress must pay a duty of 6d. in the pound upon the premium given, if under 50l., and of 1s. for every pound for all above 50l.

The meaning of this stat. clearly is, that where money or money's worth is given to the master, by the friends of the apprentice, by way of premium, a duty ought to be paid for it; but that where meat, cloaths, &c. are to be provided by the parent, no duty is payable, because it is not any thing to the master; what is given for the benefit of the master, duty must be paid upon; but whatever is given for the benefit of the apprentice is not within the words of the statute.

If the full sum given with an apprentice is not inserted, or the duty paid, the indentures shall be void, and apprentices not capable of following trades, in which case the masters are liable to a penalty of 50l.

But there are several statutes allowing further time to pay the duties and stamp indentures, when this is omitted, &c. and acts of indemnity of this nature are usually passed every two or three years.

The payment of the duties on apprentice-fees are enforced



enforced by the acts, 18 G. II. c. 22, and 20 G. II. c. 45, the former of which provides that, if the apprentice shall pay the duties on the neglect of the master, he may recover back the apprentice fee; and the latter, that if no suit is commenced, and the master pay double duties within two years after the end of the apprenticeship, the indenture shall be valid; or the apprentice may pay them, and in such case recover double the apprentice fee by action from his master.

**APPRENTICES, MARINE.** The several acts, of which abstracts are hereafter subjoined, point out the mode whereby parish officers may bind poor apprentices to the sea service, regulate the forms of the indentures, declare the privileges of such apprentices, their mode of assignment, their wages; in short, every salutary regulation of their conduct, while serving on board of merchantmen, which may tend to make them experienced seamen, and qualified for the British navy.

In framing these acts, the wisdom and sound policy of the legislature may be contemplated with peculiar pleasure; since, while affording relief to the industrious poor, they at the same time are rendered subservient to the important purposes of forming a nursery of seamen for the service of the navy.

By 2 and 3 Anne, c. 6, parish boys, 10 years old, may be bound apprentice to the sea service, till 21, by the church-wardens and overseers, with the approbation of two justices, or of the mayor, &c.

By 4 Anne, c. 19, no master of a ship is obliged to take an apprentice under 13 years of age, or who is not healthy or strong; and any widow of such master, or his executor or administrator, who shall have been obliged to take parish boys apprentices, may have power of assigning them over to another master of a ship.

By 2 and 3 Anne, c. 6. s. 2, the boy's age to be inserted in the indentures; and the churchwardens and overseers to pay the master 50s. for cloathing and bedding for the boy.

By 2 and 3 Anne, c. 6. s. 4, no such apprentice to be impressed till eighteen years of age, or permitted to enter himself into his majesty's sea service till that time.

Churchwardens shall send the indentures to the collector of the customs, at the port to which the master belongs, who is to register them, and make an indorsement upon the indentures of the registry, and transmit a certificate to the admiralty, containing the apprentice's name and age, and to what ship he belongs, who are to grant protections from time to time without fee or reward. S. 5.

Collectors refusing or neglecting to register and indorse such indentures to forfeit 5l. S. 5.

Any person to whom a parish boy has been bound *apprentice*, may, with consent and approbation of two or more justices of the peace of the same county, and dwelling in or near the parish where such boy was bound apprentice, or of the mayor, aldermen, &c. turn over such apprentice to the master or owner of a ship for the remaining time of his apprenticeship. All which indentures of assignment to be registered, and certificates transmitted to the admiralty, who are to give protections gratis. 2 and 3 Anne, c. 6. s. 6. and 4 Anne, c. 19. s. 16.

Such apprentices exempted from paying the 6d. a month to Greenwich Hospital till they are 18 years of age. 2 and 3 Anne, c. 6. s. 7. and 2 G. II. c. 7. and 36.

Masters of ships from the burthen of 30 to 50 tons obliged to take one such apprentice, and one more for the next 50 tons, and one more for every 100 tons that such ship shall exceed the burthen of 100 tons.

By 2 and 3 Anne, c. 6. s. 8. and 4 Anne, c. 19. s. 16, masters refusing to take such apprentices to forfeit 10l. for the use of the poor of the parish from whence the boy was to have been bound.

Masters of ships, before clearing out, to give an account in writing of the names and number of their apprentices to the collector of the port. S. 9.

Custom-house officers to insert at the bottom of the cocket the number of men and boys on board, describing the apprentices, and dates of their indentures, without fee or reward. S. 14.

Voluntary apprentices to the sea service not to be impressed for three years, to be reckoned from the dates of their respective indentures. Indentures to be registered, certificates transmitted, and protections granted for the three years. S. 15.

By 2 and 3 Anne, c. 6. s. 15. 4 Anne, c. 19. s. 17. and 13. G. II. c. 17. s. 2, no apprentices to sea service of 18 years of age shall be protected, or exempted from serving, who shall have been in any sea service before the time they bound themselves apprentice.

By 2 and 3 Anne, c. 6. s. 17, when such apprentice is impressed, or voluntarily enters himself in his majesty's service, the master to have able seamen's wages.

By 28 G. II. c. 20. s. 5, every ship employed in the Greenland and Davis' Straights fishery, shall have an apprentice bound for three years at least for every 50 tons burthen, who shall be reckoned as part of the complement.

By 31 G. II. c. 10. s. 16, wages of apprentices entering the navy to be paid to the master, unless the apprentice was above 18 years of age when bound, or rated as servant to an officer, to whom such apprenticeship was unknown. See *Fiberics*.

APPRENTICES TO MANUFACTURES. By st. 42 G. III. c. 72, entitled, An act for the preservation of the health and morals of apprentices and others employed in cotton and other mills, and cotton and other factories, it is enacted, that, from and after the 2d day of December 1802, all such mills and factories within Great Britain and Ireland, wherein three or more apprentices, or 20 or more other persons, shall at any time be employed, shall be subject to the several rules and regulations contained in this act; and the master or mistress of every such mill or factory is hereby strictly enjoined and required to pay due attention, and act in strict conformity to the said rules and regulations.

All the rooms and apartments belonging to any such mill or factory shall, twice at least in every year, be washed with quick-lime and water over every part of the walls and ceiling thereof; and due care shall be paid by the master or mistress of such mills or factories, to provide a sufficient number of windows and openings, to insure a proper supply of fresh air. S. 2.

Every such master or mistress shall constantly supply every apprentice, during the term of apprenticeship, with two whole and complete suits of cloathing, with suitable lincn, stockings, hats, and shoes ;

one new complete suit being delivered to such apprentice once at least in every year. S. 3.

No apprentice that now is or hereafter shall be bound to any such master or mistress, shall be employed or compelled to work for more than 12 hours in any one day (reckoning from six of the clock in the morning to nine of the clock at night), exclusive of the time that may be occupied by such apprentice in eating the necessary meals: provided always, that, from and after the 1st day of June 1803, no apprentice shall be employed or compelled to work upon any occasion whatever, between the hours of nine of the clock at night and six of the clock in the morning. S. 4.

In any mill or factory, wherein not less than 1000 nor more than 1500 spindles are constantly used in the carrying on of the manufacture, the owner or owners of such mill may employ the apprentices in the night until the 25th day of December 1803; and in any mill or factory wherein more than 1500 spindles shall be employed, such apprentices may be employed in the night until the 25th day of June 1804. S. 5.

Every such apprentice shall be instructed, in some part of every working day, for the first four years at least of his or her apprenticeship, which shall next ensue from and after the 2d day of December 1802, and for the first four years at least of his or her apprenticeship, if his or her apprenticeship commences at any time after the 2d day of December 1802, in the usual hours of work, in reading, writing, and arithmetic, or either of them, according to the age and abilities of such apprentice, by some discreet and proper person, to be provided and paid by the master or mistress of such apprentice, in some room or place in such mill or factory to be set apart for that purpose; and the time hereby directed to be allotted for such instruction as aforesaid, shall be deemed and taken on all occasions as part of the respective periods limited by this act during which any such apprentice shall be employed or compelled to work. S. 6.

Apartments of male and female apprentices to be kept distinct, and two only shall sleep in one bed. S. 7.

Every apprentice, or (in case the apprentices shall attend

attend in classes) every such class shall, for the space of one hour at least every Sunday, be instructed and examined in the principles of the Christian religion, by some proper person to be provided and paid by the master or mistress of such apprentice; and in England and Wales, in case the parents of such apprentice shall be members of the church of England, then such apprentice shall be taken, once at least in every year during the term of his or her apprenticeship, to be examined by the rector, vicar, or curate of the parish in which such mill or factory is situated; and shall also after such apprentice has attained the age of fourteen years, and before attaining the age of eighteen years, be duly instructed and prepared for confirmation, and be brought or sent to the bishop of the diocese to be confirmed, in case any confirmation shall, during such period, take place in or for the said parish: and in Scotland, where the parents of such apprentice shall be members of the established church, such apprentice shall be taken, once at least in every year during the term of his or her apprenticeship, to be examined by the minister of the parish; and shall after such apprentice has attained the age of fourteen years, and before the attaining the age of eighteen years, be carried to the parish church to receive the sacrament of the Lord's Supper, as the same is administered in churches in Scotland; and such master or mistress shall send all his or her apprentices under the care of some proper person, once in a month at least, to attend during divine service in the church of the parish or place in which the mill or factory shall be situated, or in some other convenient church or chapel where service shall be performed according to the rites of the church of England, or according to the established religion in Scotland, as the case may be, or in some licensed place of divine worship; and in case the apprentices of any such master or mistress cannot conveniently attend such church or chapel every Sunday, the master or mistress, either by themselves or some proper person, shall cause divine service to be performed in some convenient room or place in or adjoining to the mill or factory, once at least every Sunday that such apprentices shall not be able to attend divine service at such church or chapel; and such master or mistress is hereby strictly enjoined and required to

take due care that all the apprentices regularly attend divine service, according to the directions of this act. S. 8.

Justices at their Midsummer sessions yearly shall appoint two visitors of such mills or factories, who shall report the condition thereof to the quarter sessions. S. 9.

In case the said visitors shall find that any infectious disorder appears to prevail in any mill or factory as aforesaid, it shall be lawful for them or either of them to require the master or mistress of any such mill or factory to call in forthwith some physician, or other competent medical person, for the purpose of ascertaining the nature and probable effects of such disorder, and for applying such remedies and recommending such regulations as the said physician, or other competent medical person, shall think most proper for preventing the spreading of the infection, and for restoring the health of the sick; who shall report to such visitors, as often as they may be required so to do, their opinion in writing of the nature, progress, and present state of the disorder, together with its probable effects; and any expences incurred in consequence of the provisions aforesaid for medical assistance, shall be discharged by the master or mistress of such mill or factory. S. 10.

Copies of this act to be affixed in two conspicuous places of such mills or factories. S. 12.

Every master or mistress who shall wilfully act contrary to or offend against any of the provisions of this act, shall for such offence (except where otherwise directed) forfeit any sum not exceeding five pounds nor less than forty shillings, at the discretion of the justices before whom such offender shall be convicted. S. 13.

Mills or factories employing a certain number of persons to be entered in a book kept by the clerk of the peace, who shall receive 2s. for each entry. S. 14.

ARABIA, a country in Asia, famous, from the most remote antiquity, for the independence of its inhabitants during the vast conquests of Assyrians, Persians, Greeks, and Romans; and, in latter times, for being the centre of an empire equal, if not superior, to any that ever yet existed.

Before the Portuguese interrupted the navigation of the Red Sea, the Arabs were the factors of all the

trade that passed through that channel. Aden, which is situated at the most southern extremity of Arabia, upon the Indian ocean, was the mart in these parts.

This trade was at first inconsiderable, consisting principally of myrrh, incense, aloes, balm of Mecca, some aromatics and medicinal drugs; these articles, the exportation of which is continually retarded by exorbitant imposts, and does not exceed at present 30,000*l.* were at that time more in repute than they have been since, but must have been always of little consequence. Soon after, a great change ensued from the introduction of coffee, the general market for which is Betefagui. Here is sold all the coffee that comes out of the country by land; the rest is carried to Mocha, which is 35 leagues distant, or to the nearest ports of Lohia, or Hodieda, whence it is transported in small vessels to Jodda. The Egyptians fetch it from the last mentioned place, and all other nations from the former. The quantity of coffee exported has been estimated at twelve million five hundred and fifty thousand weight. The European companies take off a million and a half, the Persians three million and a half, the fleet from Suez six million and a half, Indostan and Maldives and the Arabian colonies on the coast of Africa fifty thousand, and the caravans a million.

The coffee which is bought up by the caravans and the Europeans is the best that can be procured; it costs about eightpence halfpenny per pound; the Persians, who content themselves with that of an inferior quality, pay no more than sixpence halfpenny a pound; the Egyptians purchase it at about the rate of eightpence, their cargoes being composed partly of good and partly of bad coffee. If we estimate coffee about sevenpence halfpenny a pound, which is the mean price, the profits accruing to Arabia, from its annual exportation, will amount to 384,343*l.* 1*s.* This money does not go into their coffers, but it enables them to purchase the commodities brought from foreign markets to their ports of Jodda and Mocha.

Mocha receives from Abyssinia, sheep, elephants' teeth, musk, and slaves: it is supplied from the eastern coast of Africa with gold, slaves, amber, and ivory; from the Persian gulph, with dates, tobacco, and corn; from Surat, with a vast quantity of coarse and

some fine linens; from Bombay and Pondicherry, with iron, lead, and copper, which are carried thither from Europe; from Malabar, with rice, ginger, pepper, Indian saffron; with coire, cardamom, and also with planks; from the Maldives, with gum, benzoin, aloes, wood, and pepper, which these islands take in exchange; from Coromandel, with 400 or 500 bales of cotton, chiefly blue. The greatest part of these commodities are consumed in the interior part of the country. The rest, particularly the cottons, are disposed of in Abyssinia, Socotara, and the eastern coast of Africa.

None of these branches, which are managed at Mocha as well as throughout all the country, or even at Sanaa, the capital, are in the hands of the natives.

The European companies, who enjoy the exclusive privilege of trading beyond the Cape of Good Hope, formerly maintained agents at Mocha.

The trade was carried on by ships that sailed from Europe, with iron, lead, copper, and silver, sufficient to pay for the coffee they intended to buy. The supercargoes, who had the care of these transactions, settled the accounts every time they returned. These voyages, which at first were pretty numerous and advantageous, have been successively laid aside. The plantations of coffee, made by the European nations in their colonies, have equally lessened the consumption and the price of that which comes from Arabia. In process of time these voyages did not yield a sufficient profit to answer the high charges of undertaking them on purpose. The companies of England and France then resolved one of them to send ships from Bombay, and the other from Pondicherry to Mocha, with the merchandize of Europe and India. They even frequently had recourse to a method that was less expensive. The English and French visit the Red Sea every year; though they dispose of their merchandize there to good advantage, they can never take in cargoes from thence for their return. They carry for a moderate freight the coffee belonging to the companies, who lade the vessels with it, which they dispatch from Malabar and Coromandel to Europe. The Dutch Company, who prohibit their servants from fitting out ships, and who send no vessels themselves to the Gulph of Arabia, are deprived of the share they might take in this branch of commerce.



merce. They have also given up a much more lucrative branch, that of Jodda.

**ARBITRATOR.** An arbitrator is a private judge, chosen reciprocally by the parties interested, finally to determine such matters in dispute between them, as they chuse thus to settle, rather than have recourse to the cognizance of a court of law or equity. The power of the arbitrator is derived from and limited by the submission; and his opinion or sentence upon the matters in dispute is denominated an award. See *Award*, *Umpirage*.

**ARBITRATION**, in *Exchanges*. See *Exchanges*.

**ARCHANGEL**, a city of Russia, in the province of Dwina, on the east side of the river Dwina. The commodities chiefly imported into Archangel were gold and silver, stuffs and laces, gold-wire, cochineal, indigo, and other drugs for dyeing, wine, brandy, and other distilled spirits. The customs arising to the czar were computed at 200,000 roubles a year, and the number of foreign ships at 400 annually. But, upon the building of Petersburg, Peter the Great abolished the immunities of Archangel, and removed the commerce of the White Sea to the havens of the Baltic. Still, however, its imports of tar were considerable; in 1730 to the amount of 400 lasts, at 11 barrels each. It sends, during the winter, great quantities of rawaga, a small species of three-finned cod, to Petersburg, frozen.

Its present trade is not inconsiderable. It supplies the government of Archangel, part of those of Nishie-Novogorod and Caran with European commodities; and draws in exchange from those western parts, corn, flax, hemp, coarse linen, cordage, sails, masts, and tallow, which are mostly conveyed by the Dwina. It forns also a principal communication with the northern and western parts of Siberia, from whence the merchants procure furs, skins, and iron.

**ARITHMETIC**, the art of computing by numbers, or that by which we discover what number of quantities there are, either real or imaginary, of any kind, contained in another quantity of the same species.

**ARMED VESSEL.** See *Privateer*.

**ARMS and AMMUNITION.** By st. 24 G. III. c. 47. s. 5; 6, 7, no merchant vessel is allowed to carry more than two carriage-guns of 1lb. calibre, nor more than in the proportion of two musquets for every ten men,

except ships of mart, or vessels employed in the service of the victualling, ordnance, customs, excise, or post-office, without being regularly licenced for that purpose. But ships or vessels with arms and ammunition, regularly entered and cleared at any custom-house in his majesty's dominions as merchandise, or for the use of British garrisons, or for the necessary defence of such ships, by licence, shall not be forfeited on account of such arms and ammunition.

**ARMY-AGENT.** See *Agent*.

**ARREARS**, or **ARREARAGES**, denote money unpaid in proper time, the remainder due on an account, or a sum of money remaining in the hands of an accountant.

**ARREST**, is a legal restraint of a person charged with some debt to an individual, or some crime against the state; and it is executed in pursuance of the command of some court of record, or officer of justice.

There are several statutes concerning the liberty of the subject against unlawful suits or arrests; and there are some persons also privileged from arrests, as members of parliament; peeresses by birth, marriage, &c. members of convocations actually attending them; ambassadors; domestic servants of ambassadors; king's servants; marshals or wardens of the Fleet; clerks, attornies, or other persons attending the courts of justice; clergymen performing divine service, and not merely remaining in church with a fraudulent design; suitors, witnesses subpoenaed, and other persons necessarily attending any court of record upon business; bankrupts coming to surrender within 42 days after their surrender; witnesses properly summoned before commissioners of bankruptcy, or other commissioners under the great seal, but not creditors coming to prove their debts; heirs, executors, or administrators, except on private contracts by themselves, or in case of devastavit; sailors and volunteer soldiers, unless the debt is 20l. Officers of courts are allowed their privileges, only where they sue or are sued in their own rights, but not if as executors or administrators, nor in joint actions.

In an action against husband and wife, the husband alone is liable to be arrested, and shall not be discharged until he has put in bail for himself and his wife: and if the latter is arrested, she shall be discharged on common bail. 1 T. R. 486.

None of the king's servants can be arrested in any place without notice first given to the lord chamberlain, that he remove them, or make them pay their debts.

To prevent the abuse of gaolers and sheriff's officers towards their prisoners, it is enacted by 32 G. II. c. 28, that no officer shall carry his prisoner to a tavern without his consent, nor charge him for any liquor but such as he shall freely call for, nor demand for caption or attendance any other than his legal fee, nor exact any gratuity-money, nor carry his prisoner to gaol within 24 hours after his arrest, unless the prisoner refuse to go to some safe house, of his own choosing; nor shall any officer take for the diet, lodging, or expences of his prisoner, more than shall be allowed by an order of sessions. Bailiffs to shew a copy of this act to prisoner, and to permit perusal thereof; and the prisoner to send for his own victuals, bedding, &c. if he thinks proper.

The fee now allowed by the master for arrests in town is 10s. 6d. and in the country, 11. 1s.

By 29 Car. II. c. 7, no writ, process, warrant, &c. (except for treason, felony, or for breach of the peace) shall be served on a Sunday; but a person who has been arrested the day before, may be retaken on the Sunday; Mod. Cas. 231. And a man may be taken on a Sunday on an escape warrant, or on fresh pursuit, when taken the day before. *Lord Raymond*, 1028. Or where he goes at large out of the rules of the King's Bench prison or the Fleet. 5 Anne, c. 9. Bail may also take the principal on a Sunday, and confine him till Monday, and then render him. 1 Atk. 239. 6 Mod. 201.

By 12 G. I. c. 29, and 5 G. II. c. 27, made perpetual by 21 G. II. c. 3, no person can be arrested by process out of a superior court, unless the cause of action be 10l. and upwards. And by 19 G. III. c. 17, no person can be arrested and held to bail in an inferior court, unless the cause of action be also 10l.

In actions in inferior courts under 10l. where judgment is obtained and defendants cannot be found in their jurisdictions, the superior courts may issue execution. 19 Geo. III. c. 70. s. 4.

A defendant may be arrested in an action on a judgment for 10l. for damages and costs, though the ori-

ginal debt alone were under 10l. But bail cannot be had upon the second judgment, where bail has been given on the first. 2 Str. 782.

If a bailiff be kept off from making an arrest, he shall have an action of assault; and where the person arrested makes resistance, or assaults the bailiff, he may justify beating him. If a bailiff touches a man, which is an arrest, and he makes his escape, it will be a rescue, and an attachment may be had against him. 1 Salk. 79.

If a bailiff lay hold of one by the hand (when he has a warrant to arrest) as he holds it out of the window, this will be such a taking, that the bailiff may justify breaking open the house to carry him away. 1 Vent. 306.

In the case of *Lee v. Gansel*, the Court of King's Bench determined that the chamber door of the lodger is not to be considered as his outer door, but that the street door not being shut, the officer had a right to open the chamber door, the defendant being in the room, and refusing to open it. *Cowp.* 1.

An arrest in the night as well as in the day is lawful, 9 Rep. 66. And every one is bound by the common law to assist the sheriff, not only in the execution of his writ and making arrest, &c. but his bailiff also that hath authority to do it. 2 Inst. 193.

A bailiff, upon an arrest, ought to shew at whose suit, out of what court the writ issues, and for what cause, &c. when the party arrested submits himself to arrest; but he need not shew his warrant unless the party demands it, nor is any special bailiff bound to shew his warrant unless it be demanded. 9 Rep. 68, 69.

If an action is entered in one of the compters in London, a city serjeant may arrest the party without the sheriff's warrant, 1 Lill. and by the custom of London a debtor may be arrested before the money is due, to make him find sureties, but not by the common law. 1 Nels. Arb. 258.

The following are some of the principal points determined relative to civil arrests, and how far persons under particular circumstances shall be privileged from such arrests.

In a case where the defendant was attending his cause at the sittings, and continued in court until five in the afternoon, to speak to the attorney, and then  
went

went to dine at a tavern, and during dinner was arrested, he was held in this case to be privileged, and that such arrest was illegal. *Lightfoot v. Cameron*, 2. *Blac.* 1113.

An arrest must be by authority of the bailiff, but he need not be the hand that arrests, nor even in the presence, nor even be actually in sight, nor within any precise distance of the person arrested. *Blatch v. Archer*, *Comp.* 63.

A messenger from a foreign prince resident here is privileged from arrest. *Hopkins v. De Robeck*, 3 *T. R.* 79.

A creditor may lawfully enter a detainer against his debtor, who is in fact resident within the walls of a prison, although he be not there as a prisoner. *Wilkinson v. Jacques*, 3 *T. R.* 392.

The court will not discharge a person out of custody because he was arrested while attending a commission of bankruptcy to prove a debt. *Kinder v. Williams*, 4 *T. R.* 377.

It has been laid down by the Court of Common Pleas as a general rule, in the case of *Meekins v. Smith*, 1 *H. B.* 686, that all persons who have relation to a suit which calls for their attendance, whether they be compelled to attend by process or not (in which number bail are included), are entitled to privilege from arrest going and returning, provided they come *bona fide*.

Where a person was arrested for 80*l.* on a Testatum Capias into Surrey, and gave to the plaintiff a draft for 45*l.* saying it would be immediately paid, and agreed to meet the plaintiff a few days after to settle the remainder of the debts, on which the plaintiff agreed that the defendant should be discharged out of custody; the draft was dishonoured, the defendant having no effects in the hands of the drawer; and it was held that the draft given not having been that which it purported to be, defendant might be arrested again upon the same affidavit. *Peckford v. Maxwell*, 6 *T. R.* 52.

If a party be arrested abroad by process out of the court in a colony, and the plaintiff proceed to judgment, then the defendant coming to this country may be arrested on the same demand. *Maule v. Murray*, 7 *T. R.* 479.

A bailiff who permits a prisoner to escape im-

mediately after the arrest, may at any time retake him before the return of the writ. *Atkinson v. Jameson*, 5 *T. R.* 25.

ARTICLE, a small part of an account contained in the journal, invoices, &c.

ARTICLE is also the several clauses, terms, and conditions, agreed upon in partnerships, bargains, and treaties, and also of the things adjudged or determined by arbitrators.

ARTICLES *before Marriage*, their validity in case of bankruptcy. See *Bankrupts*.

ARTIFICERS. By 21 *H. VIII.* c. 16, a stranger artificer in London shall not keep more than two stranger servants.

By 5 *Geo. I.* c. 27, persons contracting with artificers in wool, iron, steel, brass, or other metal, &c. to go to any foreign country, shall be imprisoned three months; and English artificers going abroad, and not returning in six months, after warning given by our ambassadors, &c. shall be disabled to hold lands by descent or devise, be incapable to take any legacy, &c. and deemed aliens.

By 22 *G. III.* c. 60. s. 12, if any person shall contract with, entice, persuade, or endeavour to seduce or encourage any artificer or workman concerned or employed in *printing calicoes, cottons, muslins, or linens* of any sort, or in making and preparing any *blocks, plates, engines, tools, or utensils* for such manufactory, to go out of Great Britain to any part beyond the seas, he shall forfeit 50*l.* and be committed to the common gaol of the county for twelve months, and until such forfeiture shall be paid.

If any person shall put, or endeavour to put on board any ship, &c. or other vessel, not bound directly to some port in Great Britain, any such *blocks, plates, engines, tools, or utensils, or part or parts thereof*, exclusive of all such tools as may be seized by the revenue officers, he shall forfeit 50*l.* *S.* 3, 4, 7.

If the captain or other officer of any vessel in Great Britain or Ireland shall willingly or knowingly permit or suffer any such blocks, &c. to be put on board his vessel, or shall connive at the same being done, he shall forfeit 10*l.* for every such offence. *S.* 5, 7.

And if the ship or vessel belong to his majesty, the captain or other officer so permitting, suffering, or conniving,

conniving, shall forfeit 100*l.* and be incapable of holding any office or commission under his majesty. S. 5, 7.

And if any officer of his majesty's customs shall take, or knowingly and willingly permit or allow, or sign any cocket or sufferance for the shipping or exporting of any of the said blocks, &c. or knowingly suffer the same to be done, he shall forfeit 100*l.* and be for ever rendered incapable of holding any place or employment under his majesty. \* S. 6, 7.

By 25 G. III. c. 67. s. 1, 8. continued by 28 G. III. c. 23. s. 7. and 30 G. III. c. 18, if any person in Great Britain shall upon any pretence whatsoever export, load, or put on board, or pack, or cause or procure to be laden on board of any ship or vessel which shall be bound to some place or port beyond the seas (except to Ireland), or shall lade or cause to be brought to any quay, wharf, or other place in order to be so laden or, &c. (except to Ireland), any tool or utensil, that is to say, hand-stamps, dog-head stamps, pulley-stamps, stamps of all sorts, hammers and anvils for stamps, screws for stamps, iron rods for stamps, presses of all sorts in iron, steel, or other metal, which are used for giving impressions to metal, or any part or parts of these several articles; presses of all sorts, called cutting-out presses; beds and benches to be used therewith; piercing presses of all sorts; beds and punches to be used therewith, either in parts or pieces, or fitted together; iron or steel dies to be used in stamps or presses, either with or without impressions; rollers of cast iron, wrought iron, or steel, for rolling of metal, and frames for the same; flasks or casting moulds, or boards used therewith; lathes for turning, burnishing, or polishing, either the whole together or separate parts thereof; lathe-strings; polishing brushes; scoring or shading engines; presses or dies for horn buttons; sheers for cutting of metal; rolled steel; rolled metal with silver thereon; buttons, or parts unfinished; engines for chasing stocks, for casting buckles, buttons, and rings; cast-iron anvils and hammers for forging; mills for iron and copper rolls; slitters, bed-spillars, and frames for slitting-mills; die-sinking tools of all sorts; drilling-engines; tools for pinching of glass; engines for making button shanks; laps of all sorts; engines for covering of whips; polishing

brushes; bars of metal, covered with gold or silver; iron or steel screw-plates; pins and stocks for making screws, or any other tool or utensil which now or hereafter shall or may be used in working, preparing, finishing, or completing the iron or steel manufactures of this kingdom, by what name or names soever they are known or called, or any model or plan of such tools, implements. &c. or any part or parts thereof, and complaint be made thereof upon oath before any justice; he may issue his warrant to bring the person or persons whose property they are before him, and examine him as to the purposes the said tools are for; and if he shall not give an account thereof to the satisfaction of the said justice or justices, then the said justice may, if the circumstances appear sufficient for so doing, bind the party to appear at the quarter sessions of the peace for the county, city, riding, &c. where the offence shall be committed, with proper surties; but if such person shall neglect or refuse to give such security, the said justice may commit the party to the common gaol, or house of correction, until the next assizes, or next quarter sessions of the county or, &c. when in case of conviction upon indictment or information he shall forfeit for every such offence (exclusive of all such tools or utensils, or parts thereof, together with the packages and all other goods packed therewith) 200*l.* and also suffer imprisonment in the common gaol, prison, or house of correction for twelve months, without bail or mainprize, and until such forfeiture shall be paid; one half of the penalty for the same to the king, and half to the officer who shall sue, after deducting the charges of prosecution from the whole. See *Manufactures*.

ASIA, one of the four great parts of the world, situate between 25. and 180. lon. and between the equator and 80. N. lat. It extends 4740 miles from the Dardanelles, on the west to the east shore of Tartary, and 4380 miles from the most southern part of Malacca to the most northern cape of Nova Zembla, being superior in extent, as well as in many other respects, to Africa and Europe. It is bounded on the north by the Frozen Ocean, on the west by the Red Sea, the Mediterranean, the Black Sea, the Don, and the Oby, on the east by the Pacific Ocean, and on the south by the Indian Ocean. The principal countries



on this continent are Siberia, Tartary, China, Thibet, Hindoostan, Siam, Burmah, Persia, Arabia, Syria, Palestine, Natosia, Diarbeckar, Irac, Armenia, Georgia, Curdistan, &c. The various particulars of government, religion, soil, climate, and productions, may be found under the names of the respective countries.

**ASSETS** are goods or property in the hands of a person, with which he is enabled to discharge an obligation imposed upon him by another. They may be either *real* or *personal*. Where a person holds lands in fee simple and dies seized thereof, those lands, when they come to the heir, are called assets. So far as obligations are left on the part of the deceased to be fulfilled, those are called *assets real*. When the property, left under similar circumstances, consists of goods, money, or personal property, they are called *assets personal*.

When such assets fall into the management of executors, they are called assets *inter mains*.

When a merchant sends goods to a correspondent, and draws upon him, the goods or property remitted are assets in regard to the bill. Thus a correspondent is justified in refusing to accept or pay such bill, if the property sent or lodged is not sufficient, and the refusal is recorded, in that case, *for want of assets*.

**ASSIENTO** is a term used for a bargain between the king of Spain and other powers, for importing negroes into the Spanish dominions in America, and particularly Buenos Ayres. The first asiento was made with the French Guinea Company; and by the treaty of Utrecht, all transferred to the English, who were to furnish 4800 negroes annually.

**ASSIGNATS**, paper created for circulation; and for the payment of which some certain property or funds are assigned in a peculiar manner, upon conditions contained in some instrument or act of government.

**ASSIGNATS** (French), paper first issued by the National Assembly of France in the beginning of 1790, in order to pay the arrears due to the creditors of the state.

The church lands, and those belonging to the abbays and convents that were intended to be suppressed, were assigned or made over to commissioners for the

purpose, not of paying, but, more properly speaking, of extinguishing or absorbing the assignats.

The circulation of assignats was enforced by law, and the quantity was limited to one milliard, or a thousand millions tournois (42,000,000l. sterling); their destination was, as already said, to pay the arrears of government: but every rtle at first laid down was speedily departed from. The ordinary expences of government were paid in assignats. The quantity was increased at first by particular decrees for that purpose, but at last without either rule or limit. The prolonged disorders of the revolution, the expences accumulating and augmenting every day, and the impure hands into which the administration fell, occasioned such quantities to be emitted, as no assigned property could absorb, or any circulation employ. Discredit at length became so great, that the paper, at first issued with only three per cent. loss, fell at last to 1-700th part of its nominal value.

The assignats preserved value for a long time, on account of their forced circulation. They served to pay a debt at par, after they became almost useless in making a purchase. It then became a speculation of great advantage to contract debts, and pay at a prolonged day in assignats, the value of which was continually on the decline. The property of the French nation underwent a greater transition by the speculations to which this species of paper money gave rise than by any other circumstance; and particularly as 12 years were given for paying instalments on the estates bought from the nation; so that sometimes a portion of land did not, in the end, cost the purchaser above two or three years purchase, though it nominally sold for above 30.

The assignats at first bore an interest of three per cent. payable in specie, but that was soon cut off. Their amount was 2000, 1000, 500, 300, and 200 livres each; but as no metallic money could be got in exchange without great loss, the common affairs of life required smaller money of the same sort: assignats of 100, 50, 25, 10, and 5 livres were created; and, last of all, down to the sum of five sous, or two-pence half-penny English, which, at the depreciated value, was not more than one halfpenny, and latterly not near so much.

When the assignats were exchanged for the forfeited church lands and estates, they were burned by the commissioners; but there is reason to think that there was as much inaccuracy in this destructive operation as in that by which they were created: so that in the whole of the affair, from beginning to end, there was no regular system nor mode of action; otherwise the first idea was well arranged, and founded upon solid principles.

**ASSIGNEES.** See *Bankruptcy*.

**ASSIGNMENT.** An assignment is an absolute transfer of all the interest which the assignor has in the property assigned.

In the assignment of a bond or power of attorney, a clause is always inserted, empowering the assignee to receive and sue in the name of the assignor.

If a bond be assigned for a valuable consideration, the assignee alone becomes entitled to the money; so that if the obligor after notice of such assignment to the obligee pays it, he will be obliged to pay it over again. 2 *Vern.* 595.

In the case of a policy of insurance, the Court of King's Bench will so far take notice of an assignment as to permit an action to be brought in the name of the assignor. 1 *T. R.* 26. And the assignee who has become a bankrupt may sue the debtor for the benefit of the assignor.

A bare power is not assignable, but where coupled with an interest. 2 *Mod.* 317.

An assignment of a contract, or a *chase* in action, need not be made by deed. 4 *T. R.* 690. If an assignment be made of a sum of money owing or payable to the assignee, notice of the assignment should be immediately given to the party liable to pay it. See *Deeds, Notice*.

**ASSOCIATION,** the act of constituting a society or partnership, in order to carry on some scheme or affair for particular purposes or mutual advantage.

**ASSURANCE.** See *Marine Insurance*.

**ASYLUM,** a sanctuary or place of refuge, where criminals and debtors shelter themselves from the hands of justice.

It was customary in former times to allow refuge and impunity even to the vilest and most flagrant offenders. We read of asylums at Lyons and Vienna among the ancient Gauls; and there are

some cities in Germany and Italy which still preserve the old right of asylum. The palace of Holy-Rood-house, commonly called the Abbey, at Edinburgh, is still a sanctuary for debtors. The boundaries towards the town are very circumscribed; but a large portion of the King's Park, and the grounds towards the sea, are free: in all, not less than three miles in circumference. Numbers of persons avail themselves of the privilege, and go thither for protection. See *Ambassador*.

**ATTACHMENT,** is a custom in some places, particularly the city of London, whereby a creditor may attach the goods of his debtor in any hands where he finds them, privileged persons and places only excepted. By this custom a party may attach goods or money of the defendant, either in the plaintiff's own hands, or the custody of a third person, and that either in the mayor's or sheriff's court. If any plaintiff be affirmed in London in the above courts, and be returned *nil*; if the plaintiff will surmise any other within the city, who is debtor to the defendant in any sum, he shall have his garnishment against him to appear and answer if he be indebted in the form the other hath alleged; and if he come, and do not deny it, the debt shall be attached in his hands. But debts upon record, statute, or recognizance, debt recovered, or which is in suit in the King's Bench or Common Pleas, after issue joined, or money in the sheriff's hands after execution, &c. are not attachable in London, neither will attachment lie for rent. 1 *Roll. Abr.* 552.

A legacy may not be attached in the hands of an executor, but a foreign attachment may be made for the debt of an intestate, if a debt be due only upon simple contract; for the executors or administrators are chargeable for a debt due by the testator or intestate upon a simple contract as well as a specialty.

If a suit be commenced against an executor, any debt which was due to the testator at the time of his death may be attached by the executor, but not where the executor himself takes bond for a debt due to the testator; and if he sell the goods, the money for which they were sold, &c. cannot be attached; but a debt due may be attached by the administrator, an administrator being within the custom. 1 *Ventr.* iii.

Debts may be attached in the hands of an attorney in the King's Bench, and he shall not be privileged.

If a man be indebted to another by bill, note, or verbal agreement, in any sum payable at a time to come, an attachment may be made for the money immediately, and before the time agreed for payment thereof, and judgment shall be presently had; but the execution shall not be awarded for this money until it become due, according to the time mentioned in the agreement. Goods or money coming to the garnishers (viz. the third person) after the attachment, though it be six months after, shall be liable to the attachment. 1 *Roll. Abr.* 553. Part of a debt may be attached by the custom of London. Money due upon account, after promise to pay, and the day of payment past, may be attached.

If a man die intestate, an attachment may be made of money or goods, in the hands of a third person, before administrators, &c. being entered against the bishop of London; but when there is a will proved, or letters of administration granted, the attachment falls, and must be again made by the executor or administrator.

The plaintiff in the action may have judgment and execution against his principal debtor, if no execution be sued against him; and such debtor may sue the third person for his debt, notwithstanding the judgment.

**ATTORNEY**, is a person legally authorized by another to pay or receive monies, sue or transact any other kind of business in the name of such person as shall appoint him his lawful attorney.

This power or authority is transferred to another by virtue of a power of attorney, which must be drawn up in a legal form, adapted to the circumstances of the case. See *Authority, Deed, and Power of Attorney*.

**ATTORNEY**, *power of*. See *Power of Attorney*.

**AUCTIONS**. By 17 G. III. c. 50. every person exercising the trade of an auctioneer within the cities of London, Westminster, or bills of mortality, shall pay annually for a license, to use and exercise the said trade or business, the sum of twenty shillings; and without the said bills of mortality, the sum of five shillings for such licence. S. 1.

No person authorized by the lord mayor and aldermen of London, to act as broker within the said city,

shall be liable to the payment of a greater yearly sum than five shillings for a licence to act as an auctioneer within the cities of London and Westminster. S. 2.

No person exercising the calling or occupation of an auctioneer, agent, factor, or seller by commission, at any sale of estates, goods or effects whatsoever, by any mode of sale or auction, by themselves or others, for his, her, or their benefit, shall deal in, vend, or sell any such estates, goods or effects, by public sale or otherwise, by way of auction, without taking out a licence, to be granted by the commissioners of excise in London, or by such persons as they shall appoint; or the commissioners of excise in Scotland.

Licences to be renewed ten days at least before the expiration of twelve calendar months, on penalty of 100l. if within the bills of mortality, and 50l. if without the said bills. S. 4.

Threepence for every twenty shillings of the purchase money arising by sale at auction of any interest in possession or reversion, in any freehold, copyhold or leasehold lands, tenements, houses or hereditaments, and of any annuities or sums of money charged thereon, and of any utensils in husbandry and farming stock, ships and vessels, and of every reversionary interest in the public fund, and the sum of sixpence for every twenty shillings out of the purchase-money, arising by sale at auction, of all furniture, fixtures, plate, jewels, pictures, books, horses and carriages, and all other goods and chattels whatsoever, the said duties to be paid by every such auctioneer, agent, factor, or seller by commission. S. 5.

Every auctioneer within the limits of the chief office of excise in London, to give security by bond to his majesty in the sum of 200l. with two or more sufficient securities, that he will within fourteen days after every auction, deliver a particular account in writing of the whole money bid, and the price of each lot, &c. and if it shall appear to the commissioners of excise, &c. that the auctioneer hath acted agreeably to this act, the said bond shall be cancelled; but if no such account as herein mentioned shall have been delivered, or if it shall appear that such account was not truly made, or that the party hath acted contrary to the true intent and

meaning of the bond, such bond may be prosecuted according to law, and the licence shall thenceforth become void, and such defendant thenceforth become incapable of acting under any such licence. S. 6.

Every auctioneer or person acting as such without the bills of mortality, shall give bond as aforesaid for 50*l*. that he will within six weeks after each sale deliver in a particular account of all sales, and at the same time make payment of all such sums of money as shall be due and payable for each sale, within such six weeks respectively. S. 7.

Auctioneers may make it a condition of sale, that the purchaser shall pay the rate granted by this act; but nothing in this act shall alter any contract between any buyer or sellers by auction. S. 8, 9.

The real owner of any estate, goods, or effects, put up to sale by way of auction, becoming the purchaser by means of his own bidding, or the bidding of any other person on his behalf, shall be allowed the duties, provided notice be given to the auctioneer before such bidding, both by the owner and the person intended to be the bidder, of the latter being appointed by the former, and having agreed accordingly to bid at the sale for the use and behoof of the seller, and provided such notice be verified by the oath of the auctioneer, as to the fairness and reality of the said transaction, to the best of his knowledge and belief; and if any dispute shall arise, whether such purchase by the owner was not made by collusion, or in order to lessen the full sum appointed by this act to be paid, or concerning the fairness of such transaction, the proceed thereof shall lie upon the person acting as auctioneer; and on failure therein, or in case of any unfair practice, then no such allowance shall be made. S. 10.

Nothing in this act shall extend to any sale by way of auction of estates or chattels made by any rule or order, or decree of the Courts of Chancery or Exchequer, or Courts of Session or Exchequer in Scotland, or any sales made by the East India or Hudson's Bay Company, or by order of the Commissioners of Customs or Excise, or by order of the Board of Ordnance, or Commissioners of the Navy or Victualling, or any such sales of estates or chattels made by the sheriff in

execution of judgments, or of goods distrained for rent or nonpayment of tithes, or goods and effects of bankrupts, sold by order of the assignees under a commission of bankruptcy, or goods imported into this kingdom from any British colony in America on the first sale of such goods, by or for the account of the original importer to whom the same were consigned, and by whom they were entered at the Custom House at the port of importation, so as such sale be made within twelve months after such goods shall be so imported, nor to any ships or their tackle, apparel, and furniture, or the cargoes thereof, which may be taken and condemned as prize, which shall be sold in this kingdom by or for the benefit of the captors thereof; nor to any ships or goods that may be wrecked or stranded in this kingdom, and sold by auction for the benefit of the treasurers and proprietors thereof, or which may be sold, free of duty, to defray the charges of salvage, nor to sales made for the benefit of creditors, nor to the sale of any leasehold or copyhold estate, or for lives or terms of years, or to the sale of any woods, coppices, produce of mines or quarries, or any contract relating thereto, or to the cutting or working the same, or to the sale of any materials used in the working of such mines or quarries, or to the sale of any cattle, or live and dead stock, or unmanufactured produce of land, so as such sales be made whilst they continue on the lands producing the same, and by the owner or owners thereof, or adventurers in such mines or quarries respectively, or by his or their steward or agent. S. 10, 11, 12, 13.

The st. 19th G. III. c. 56, after reciting the act of 17th G. III. c. 50, repeals so much of it as relates to the powers, rules, regulations, and provisions, for granting licences to auctioneers, and collecting and managing the duties, and on the purchase-money of the estates, goods, and effects so sold; and also after reciting that the sum of sixpence in the pound of the purchase money arising by sale at auction of all plate and jewels, out of the purchase-money, had been found to prevent, in a great measure, the sale of the said goods by auction, to the prejudice of the revenue intended to be raised by the said act, enacts, that the duty of sixpence in the pound shall be repealed, and a duty of threepence in the pound out of the purchase-money arising



arising by sale at auction of all plate and jewels, shall be raised in lieu thereof. S. 3.

No person to sell estates, &c. as an auctioneer, without having taken out a licence pursuant to the preceding act. S. 3.

Licences to be renewed annually, under penalty of 100l. in London, and 50l. in the country.

The 5th section recites, that doubts had arisen, whether the duties imposed by the preceding act of threepence and sixpence in the pound are payable for any part of the purchase-money not amounting to the sum of 20s, enacts, that the said respective duties of threepence and sixpence in the pound shall be charged and are chargeable for every twenty shillings of the purchase-money, and in proportion for any greater or lesser sum of the purchase-money arising or to arise by sale at auction.

By the 6th section of this act, the respective rates and duties of threepence and sixpence shall be chargeable upon every auctioneer or seller by commission, immediately after the knocking down of the hammer, or other closing of the bidding at every sale by way of auction, and that the rates and duties so charged shall be paid by every auctioneer or seller by commission, in manner and at times therein mentioned.

Every auctioneer within the limits of the Excise Office in London, when he takes out his licence, shall be bound in 200l. with sureties that he will, within *twenty-eight* days after such sale, deliver at the said office a particular account in writing of the total amount of the money bid at such sale, and of the several lots or parcels which shall have been there sold, and at the same time make payment of all sums which shall be due, and shall make oath to the truth of such account; and if the auctioneer shall not fulfil the conditions of the bond, the commissioners of excise may put it in suit. S. 7.

Every auctioneer in Great Britain, not within the limits of the Excise Office in London, shall give security as aforesaid in 50l. that he will, within six weeks after each sale, deliver in a particular account thereof. S. 8.

Every such auctioneer or seller by commission, selling by auction within the limits of the chief office of excise in London, shall, two days at least

before any sale by auction shall be commenced, deliver at the chief office of excise, to the person appointed by the commissioners of excise, a notice in writing by such auctioneer, specifying the particular day when such sale by auction is to begin, and shall at the same time, or within twenty-four hours after, deliver a written or printed catalogue, attested and signed by such auctioneer or his known clerk; in which catalogue shall be particularly expressed and enumerated each and every article by such auctioneer intended to be sold at such auction; and every auctioneer not complying with the provisions of this act, shall for every such offence forfeit the sum of 20l. S. 9.

Auctioneers in England and Wales, not within the limits of the Excise Office in London, who shall not be prepared to deliver in their accounts of sales to the collector of excise, shall within six weeks after such sale deliver it at the Excise Office in London. S. 10.

If the sale by auction of any estate, &c. shall be rendered void, owing to a defective title, the auctioneer, &c. may complain to the commissioners of excise or justices of the peace, who shall hear and determine the same. S. 12.

Where owners of estates, &c. bid themselves, or employ others to bid for them, an allowance of the duties is to be made accordingly, provided notice be given to the auctioneer that such persons are to bid for the owners, &c. S. 12.

The 14th, 15th, and 16th sections enumerate different kinds of property, to which this act shall not extend, and which are the same as in the preceding act, viz. sales of copyhold property taken in execution, bankruptcy, &c.

And for the better and more effectual preventing of frauds, which may be practised by auctioneers selling estates, goods, or chattels, under the sheriffs or their under sheriffs, or under the order and direction of the assignees, under any commission of bankruptcy, all auctioneers, &c. selling any effects, &c. seized by a sheriff in execution, shall enumerate in the catalogue by him to be delivered under directions of this act, as well the particular estate and effects to be sold, and also the exact sum to be levied under such execution; and the sheriff or under sheriff respectively shall

sign every such catalogue, and certify at the foot thereof that the goods so specified and enumerated were really and truly the property of the person against whom such judgment was obtained, and actually seized in execution of the said judgment; and every auctioneer employed by the assignees under a commission of bankruptcy to sell the effects of any bankrupt, shall likewise specify and enumerate in the catalogue the goods and effects then to be sold; and the assignees or assignee, if only one under the commission, shall subscribe and sign such catalogue, and certify at the foot thereof that all the estates, goods, chattels, and effects in such catalogue respectively specified, were really and truly the property of the said bankrupt at the time of suing forth the said commission; which respective catalogue so signed and certified shall be produced by every such auctioneer to the person appointed to receive his account, before he shall be permitted to have the account passed or allowed, under penalty of 20*l.* against such sheriff, under sheriff, assignee or assignees neglecting to subscribe, sign, and certify as aforesaid. S. 16.

Auctioneers employed to sell goods damaged by fire for the benefit of the insurer, shall enumerate the particulars in the catalogue, which shall be certified by the insurers under penalty of 20*l.* against any insurers who shall suffer to be inserted in catalogue any goods other than such as were to be sold for their benefit. S. 17.

The 18th section relates to the recovery and application of the penalties, which are recoverable in the courts at Westminster, or Exchequer in Scotland, and declares that one moiety goes to the king, and the other to the informer.

By 26 G. III. c. 59, the commissioners of excise may empower auctioneers to sell foreign wine by auction, upon proof of the duties being paid, without being liable to the penalties imposed by this act. S. 10.

By 28 G. III. c. 37, complaints of sales by auction being rendered void to be made in a year, if they be rendered void within that period, or else in three months after discovery. S. 19.

No allowances of duty to be made to purchasers of their own effects at auctions, unless notice in writing, signed by the owner, and the person intended to

be the bidder of the latter, being appointed by the former, and having agreed accordingly to bid at the sale for the use and behoof of the seller, shall have been given to the auctioneer before such bidding, nor unless such delivery of such notice shall be verified upon the oath of the auctioneer, as also the fairness of the transaction, to the best of his knowledge. S. 20.

By 29 G. III. c. 63, piece goods woven in this kingdom may be sold in the quantity taken from the loom, and in lots of the price of 20*l.* or upwards, without paying the auction duties. But by section 3 of this act, every person acting as auctioneers, shall at every such public auction, over and besides the bond now directed by law to be given, on receiving his licence, give further security by bond to his majesty in the sum of 5000*l.* with two or more sureties, which security the commissioners of excise, or any two or more of them for the time being, in England and Scotland respectively, or such person as by the commissioners shall be appointed for that purpose, within 14 days after such sale at auction of any goods woven or fabricated in the loom, deliver at the next office of excise, within the aforesaid limits, a true, exact, and particular account in writing of the several lots and parcels of such goods which shall have been sold, the amount of the money bid at such sale, and the price of each lot or parcel; and further, that he will not at any time knowingly offer or put up for sale, or sell at auction, any piece goods or other goods woven or fabricated in the loom of this kingdom, which shall not be offered, or put up for sale, or sold entire in the piece or quantity in which the same were taken from the loom and in lots as aforesaid, on account of the manufacturer or first purchaser thereof, without charging for every 20*s.* of the purchase money thereof the said duty, according to the directions of the said act of the 17th G. III. s. 3.

Parties acting contrary to the true intent and meaning of such bond, and of this act, the commissioners of excise may put the bond in suit.

By 30 G. III. c. 27, goods imported from Yucatan are free from the excise duty on sales by auction imposed by the preceding acts; and by 32 G. III. c. 42, whale-oil, whale-bone, ambergris, and head-matter, and all skins of seals, or other living animals in the sea, elephants' teeth, palm-oil, dying woods, drugs, and

and other articles for dyers' use, mahogany, and other manufactured wood for the use of cabinet-makers and other manufacturers, imported in British ships from Africa, or any British settlement abroad, shall be free of the said duty on the first sale of such goods by auction on account of the original importer to whom the same were consigned, so as such sale be made within 12 months after such goods shall be imported, and by some person duly licensed to exercise the trade and business of an auctioneer.

By 38 G. III. c. 51, s. 2, auctioneers neglecting to make payment of any duties arising from sales, shall forfeit for every such offence double the sum of the said duty; and if within 14 days after conviction and execution for the said penalty no sufficient goods can be found, the bond may be put in force against the auctioneer or sureties; and by 3d section of this act, auctioneers making over payments of duties, may complain to the commissioners of excise or justices where the sale was made, who may relieve them. S. 3.

By 41 G. III. oil made from amphibious animals, called sea-cows or sea-elephants, commonly known by the name of elephant oil, shall be free of auction duties on the first sale by or on account of the original importer, if such sale be made by a licensed auctioneer within 12 months after importation.

A bidder at an auction, under the usual conditions that the highest bidder shall be the purchaser, may retract his bidding any time before the hammer is down. *Payne v. Cave*, 3 T. R. 148.

If the owner of goods or an estate put up to sale at an auction, employ puffers for him without declaring it, and there is only one real bidder, who by means of such puffers is induced to purchase at an high price, such purchaser shall not be compelled to complete the contract. *Howard v. Castle*, 6 T. R. 642.

An auctioneer employed to sell the goods of a third person by auction, may maintain an action against a buyer, for goods sold and delivered, though the sale was at the house of such third person, and the goods were known to be his property. *Williams v. Millington*, 1 H. 13, 81.

In a contract made on a sale it is always supposed that the vender has a good title; if therefore there

be any concealment of the circumstances affecting the title, and the vendee has paid the purchase money, he may waive the bargain and receive back the money. *Borough v. Skinner*, 5 Burr. 2639. But where the title is defective, the person who had become the purchaser can only recover back the deposit with interest, not any further damages for the supposed loss of the bargain. *Flureau v. Thornhill*, 2 Bl. R. 1078. But in such case as where the sale has not been completed in consequence of misrepresentation of the title, the vender will be liable to all expenses incurred. *Richards v. Barton*, Esp. N. P. 268. Where a purchase is made at an auction, though it may consist of several lots, if from the nature of the contract it is entire, the seller must make a complete title to the whole of it; for otherwise the buyer may consider the bargain as void and receive back the deposit. *Cheamb. v. Griffiths*, Esp. Cir. N. P. p. 11.

Where any articles are sold by auction, and in the printed conditions of sale there is a statement and warranty of the title, the things shall be deemed to be sold under that title, and no verbal declarations of the auctioneer contrary to the printed catalogue and conditions of sale shall be admitted. *Gunniss v. Erhart*, H. Bl. Rep. 289. And it is not material whether the auctioneer have paid over the money to his principal or not, for the auctioneer is to be considered as a mere stakeholder, and ought not to part with his deposit until the sale is finished, and it shall appear to whom it ultimately belonged. *Borough v. Skinner*, Esp. N. P. p. 11.

Where the plaintiff sues for damages for the non-performance of a contract, the action should be brought against the principal, unless the auctioneer refuse to disclose the name of the principal, in which case the auctioneer will himself be personally liable.

Goods sold at public auction are not within the statute of frauds, and no earnest or note in writing is required between the parties. *Simon v. Motteux*, 3 Burr. 1921. *Rucker v. Cammyer*, Esp. N. P. 105.

A bidder at an auction under the usual conditions, that the highest bidder shall be the purchaser, may retract his bidding any time before the hammer is down. *Payne v. Cave*, Esp. 29 G. III. 3 T. R. 148.

Where a deposit has been made, if the vendee

does not perform the bargain, he shall forfeit his deposit and give up all claim to the thing intended to be purchased. *Saville v. Saville*, 2 P. Wms. 745.

When a person sends an article to an auction which advertises to sell to the best bidder, with orders *not to have it sold* under such a price, an action will not lie against the auctioneer if he sells it at a price less than that so mentioned, as such dealings are a fraud upon buyers, who suppose that the lot is to be knocked down to the best *real bidder*; but it is otherwise had he ordered it *not to be set up* under such a price. *Brewell v. Christie*, Coup. 395.

If the owner of goods or an estate sold by auction employ puffers to bid for him without declaring it, it is a fraud upon the real bidders, and the highest bidder cannot be compelled to complete the purchase made under such circumstances. *Howard v. Castle*, 6 T. R. 642.

An auctioneer who sells goods may maintain an action for them against the buyer in his own name, even where the goods were sold at the proprietor's own house; for he has possession with a special property or interest, a lien for the charges of the sale, the commission and auction duty, which he is bound to pay. *Williams v. Willington*, H. Bl. Rep. 81.

If an auctioneer will not give up the name of his principal, he is *personally* liable to an action on a warranty of representation concerning the thing sold. Per Lord Kenyon, in *Hanson v. Roberdeau*, S. Guild. East. 1792. See *Broker, Contract, Sale*.

AVERAGE, in commerce, signifies the accidents and misfortunes which happen to ships and their cargoes from the time of their loading and sailing, to their return and unloading. It is divided into three kinds; 1st, The simple or particular average, which consists in the extraordinary expences incurred for the ship alone, or for the merchandise alone, such as the loss of anchors, masts and rigging, occasioned by the common accidents at sea, the damages which happen to merchants by storm, prize, shipwreck, wet, or putting, all which must be borne and paid by the things that suffered the damage. 2d, The large and small average, being those expences incurred and damages sustained for the common good and security both of the merchandise and vessel, consequently

to be borne by the ship and cargo, and to be regulated upon the whole. Of this number are the goods or money given for the ransom of the ship and cargo; things thrown overboard for the safety of the ship; the expences of unloading for entering into a river or harbour, and the provisions and hire of the sailors where the ship is put under an embargo. 3d, The small averages are the expences of towing and piloting the ship out of or into harbours, creeks, or rivers, one-third of which must be charged to the ship, and two-thirds to the cargo.

Average is more particularly used for a certain contribution that merchants make proportionably to their losses, who have had their goods cast into the sea in the time of tempest. It also signifies a small duty which those merchants who send goods to another man's ship pay to the master for his care of them over and above the freight. Hence it is expressed in the bills of lading, paying so much freight for the said goods, with prime and average accustomed. See *Marine Insurance*.

AVOIRDUPOIS. See *Weights and Measures*.

AUGSBURG, a city of Germany, capital of the circle of Suabia, formerly a place of eminence, consequence, wealth and commerce; now, however, there are only to be found in it a few merchants, with very moderate capital, and some others who do the business of brokers. Some houses, however, carry on a little banking trade, and this way through Tyrol, and Graubunter occasions some little exchange between this place and Germany.

AUSTRIA, one of the principal provinces of the empire of Germany. It is bounded on the North by Moravia, on the east by Hungary, on the south by Stiria, and on the west by Bavaria. It is divided into Upper and Lower. Upper Austria is situated on the south, and Lower Austria on the north side of the Danube. Vienna, the capital, is in the Upper Austria, which contains several very considerable towns. The country is very fertile, has a great many mines, and produces vast quantities of sulphur.

Austria, though a plentiful country, is not from its situation calculated for commerce. There are, however, in various parts of these extensive dominions, annual fairs, several of which are much frequented by strangers, and considerable traffic is carried on.

AUTHORITY



**AUTHORITY** is a delegated power by which one person authorises another to act generally or specially in his name, and by whose acts, where the authority is strictly pursued, the party delegating such power will be bound. An authority may be given either verbally or in writing, but the latter is the most usual and regular.

If the person who undertakes for another have no authority, he is guilty of fraud, and the party undertaking ought to be personally liable; but where such authority is given, it is only acting for another; like the case of a factor or broker acting for their principals, who were never held to be liable personally. But where one undertakes for another, under an authority, he must, in order to protect himself from being personally bound by such undertaking, strictly pursue his authority.

Wherever there is a general authority coupled with an interest, that authority may be executed by attorney. But if the attorney execute it contrary to the effect of his authority, this is utterly void; and if he execute his authority, and go beyond the limits of his warrant, it is void for that part only wherein he exceeds his authority.

Where one is delegated to act for another, he must not use his own name only, but the name also of the person who gave the authority, 9 Rep. 76. So on the execution of a deed, the agent should sign the name of the principal coupled with his own.

A person is not bound to accept of a conveyance executed under a power of attorney. 1 Esp. 115.

Although it is a rule that every authority shall be countermandable, and determined by the death of him that gives it, yet when an interest is coupled with an authority, it cannot then be countermanded or determined. *Dyer*, 190.

Where an authority is given by law, it must be strictly pursued; and if a person acting under such authority exceeds it, he will be liable to an action for the excess.

A power granted to several persons may be executed by the majority of them. *Witnell v. Gartham*, 6 T. R. 388.

On the dissolution of a partnership between A, B, and C, a power given to A, to receive all debts owing to, and to pay all those owing by the late partnership,

will not authorize him to indorse a bill of exchange in the name of the partnership, though drawn by him in that name, and accepted by a debtor to the partnership after the dissolution, so that the indorsee cannot maintain an action on the bill against A, B, and C, as partners. *Kilgour and Finlayson, Galltzech and Harper*, 1 H. B. 155. See *Agent, Bills of Exchange, Broker, Factor, Power*.

**AWARD.** An award is the judgment pronounced by one or more arbitrators; the act by which the parties bind themselves to refer any matter in dispute between them to some third person, is denominated a *submission*; the parties chosen to decide such matter in litigation are termed *arbitrators*; if provision be made, as is customary, that in case the arbitrators cannot agree, some other person shall ultimately decide, such person is then called the *umpire*, and his decision is termed the *umpirage*.

1. *Submission to the award how to be made.* The submission may be the act of the parties themselves, or it may be by their act with the interposition of a court; in either of these cases the submission may be either verbally or in writing. The latter mode, however, is sanctioned by general practice. When the submission is in writing, it is generally made by bonds, reciprocally given by the parties, in a certain penalty or condition, to be void on performance of the award; but such bonds may be given to a third person, or even to the arbitrator himself, and they may be also given by any other persons properly authorized on behalf of the parties, who will in such case incur the penalties of the bonds if the parties do not perform the award, or the submission may be by indenture, with mutual covenants, to stand to the award.

Previous to the reign of Charles the Second awards were generally made on submissions by the acts of the parties only; but mercantile transactions becoming frequently the subject of discussion in courts, the practice became general about the latter end of the reign of the above king, of referring matters to arbitration by consent of the parties under a rule of nisi prius; the utility of which was so generally experienced, that this practice became a legislative provision, for by 9 and 10 W. III. c. 15, "all traders and merchants and others desiring to end by arbitration

tration any controversy, suit, or quarrel, for which there is no other remedy but by personal action or suit in equity, may agree that their submission of their suit to the award or umpirage of any person or persons, should be made a rule of any of his majesty's courts of record, and to insert such their agreement in their submission, or the condition of the bond or promise whereby they oblige themselves respectively; which agreement being so made and inserted, may, on producing an affidavit thereof, made by the witnesses thereunto, or any one of them, in the court of which the same is agreed to be made a rule, and on reading and filing the said affidavit in court, be entered of record in such court; and a rule shall be thereupon made by the said court, that the parties shall submit to and finally be concluded by the arbitration or umpirage which shall be made concerning them, by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party neglecting or refusing shall be subject to all the penalties of contemning a rule of court."

*Submission, its extent, &c.* The extent of the submission may vary according to the pleasure of the parties, and it may be of one particular matter only, or of several, or, which is the most usual, of all matters in dispute.

A time should in all cases be mentioned within which the arbitrators or umpire are to pronounce the award; but if no time be limited for this purpose in the submission, it is understood that the award shall be made within a convenient time; and if in such case the arbitrators refuse to make their award upon request of the party, a subsequent revocation of the authority will be no breach of the submission.

*Submission, how to be construed.* The words of a submission must be so understood as to give a reasonable construction of their meaning, according to the intention of the parties, and where there is any repugnancy in the words of any part of the submission, such repugnant words shall be rejected, and the former shall stand.

*Submission, how to be revoked.* Every species of authority being a delegated power, although by express words made irrevocable, is nevertheless in its nature revocable; if therefore one of the parties, before the making of the award, or before the expiration of the

time of making it, revoke the authority of the arbitrators, the latter in such case cannot proceed; or if they do, the party revoking is not bound to perform their award, but may plead the revocation in bar to an action on the award itself; or he may himself recover against the other in an action for the original cause of dispute.

The nature of the revocation must follow the nature of the submission; thus if the latter be merely verbal the former may also be verbal—the words "I discharge you from proceeding any further," addressed to the arbitrators, will be sufficient. But if the submission be by deed, such revocation must also be by deed.

The foregoing principle applies only to an express revocation, and not such a one as must necessarily be implied by construction of law from another act of the party; thus if a woman, while single, submits to an arbitration, and marries before making the award, or before the expiration of the time for making it, the marriage in this case will operate as an implied revocation.

*Parties to a submission.* Every person capable of making a disposition of his property, or a release of his right, may make a submission to an award; persons, therefore, who are under either a natural or civil incapacity of contracting, are alone excluded.

A married woman, therefore, cannot be party to a submission, but the husband may submit for himself and his wife, and a guardian may submit for an infant and bind himself, that he shall perform the award. *Roberts v. Newbold*, 6 Will. III. Comb. 318.

If an executor or administrator submit a matter in dispute between himself and another, in right of his testator and intestate, this will be at his own peril, for if the arbitrator do not give him the same measure of justice as he is entitled to by law, he must account for the deficiency to the persons interested in the effects. *Barry v. Rush*, 1 Term Rep. 691.

So also the assignees of a bankrupt may submit to arbitration any dispute between their bankrupt and others, provided they pursue the directions of 5 Geo. II. c. 30. s. 34.

Those only who are actually parties to the submission shall be bound by the award, but a man is in general

general bound by an award to which he submits for another.

If a man authorize another on his behalf to refer a dispute, the award is binding on the principal alone, unless the agent bind himself for the performance of the principal. 1 *Wils.* 28, 58.

When there are several claimants on one side, and they all agree to submit to arbitration, but *some of them only* enter into a bond to perform the award, such award shall bind the rest. *Wood & al. v. Thompson & al.* M. 24 Car. B. R.

Where there are two on one side, though the one will not be bound for the other, yet if the award be general, that they shall do one entire thing, both shall be bound for performance of the whole. *Civ. Car.* 434.

If husband and wife submit to arbitration any thing in right of the wife, the wife shall be bound by the award after the death of the husband.

An award creates a duty which survives to executors or administrators; they shall, therefore, on the one hand, be compelled to the performance if made against their testator or intestate; and on the other they may take advantage of it if made in his favour. 1 Lord Raym. 248.

*What may or may not be referred to arbitration.* As the intent of the parties in submitting to an award is to obtain an expeditious and amicable adjustment of something which was in its nature *uncertain*, no award can be had on a bond for payment of any sum *certain*, nor for arrears of rent ascertained by a lease; nor of covenant to pay a certain sum of money, nor damages recovered by a judgment, because the demand is in all these cases ascertained or liquidated. But by some of the cases, viz. *Lumley v. Hutton*, *Rel. Abr. Tit. Arbitr.* B. 8, and *Coxal v. Sharp*, 1 Keb. 937, it appears that when certain or liquidated demands are coupled with others which are uncertain, those which are certain may be submitted; and this even in the case of a verdict and judgment.

In general, however, where the party recovering could in an action recover only uncertain damages, the subject of complaint may be made a reference to arbitration; as any demand *not ascertained* by the agreement or contract of the parties, although the claimant demand a sum *certain*, such as a claim of 5l. for the

different expences in the service of either party. So also an action of account may be taken, for till the account be taken the sum remains uncertain.

All kinds of personal wrong which would obtain compensation by the verdict of a jury, may be submitted to arbitration. But those cases where the injury to the individual is merged in a public crime, can never be the subject of arbitration.

In all cases where the demand arises upon a deed, the submission ought also to be by deed; and in deeds where no certain duty accrues by the deed alone, but the demand arises from some wrong or default subsequent, as in the case of a bond to perform covenants, or covenant to repair an house; in these instances, as the demand is for damages occasioned by a breach, an award will be operative.

*Arbitrators and Umpire.* Every person whom the law presumes to be free and capable of judging, may be an arbitrator or umpire; but an infant cannot be an arbitrator, nor a married woman.

If a person be nominated an arbitrator in his own cause, *with the consent of the opposite party*, his award shall nevertheless be valid.

*Umpire, how to be nominated.* The umpire may be nominated either by the parties themselves at the time of executing the submission, or at the discretion of the arbitrators. Where the power of nominating the umpire is left to the arbitrators, they should not leave this to chance, but exercise in such appointment their best understanding and judgment.

Many difficulties have occurred, as appears from several of the cases relative to the appointment of the umpire, the time when his functions are to commence, and the time when his umpirage is to be made. In some instances the latter has been the same as that limited for the arbitrators to make their award; it is now, however, usual, and certainly more correct, to *prolong* the time beyond that period; but every agreement to enlarge the time for making an award, must contain a consent that it shall be made a rule of court; otherwise no attachment will be granted for not performing an award made under it. *Jenkinson v. Lowe*, M. 39 G. III.

In case of the prolongation of time, the authority of the arbitrators is determined, and that of the umpire immediately begins on the expiration

of the time specified to be allowed to the arbitrators.

How far any conduct of the arbitrators can authorize the umpire to make his umpirage *before* the expiration of the time limited for their making their award, has been a question pregnant with difficulties, and contrariety of decision. The following appears to be the most clear and correct opinion relative to this point :

If within the time allowed to the arbitrators they make their award, this shall be considered as the real award: if they make no award, the umpirage shall then take place : in this case there shall be no clashing or confusion of authority with respect to time, and the umpire has no concurrence of authority absolutely, but conditionally only, if the arbitrators make no award within the time assigned for the purpose. This principle will also equally apply to the case where the umpire is confined to the same time with the arbitrators, and that where the time is prolonged. Sir *T. Rayn.* 205. 1 *Salk.* 71.

It is the fairest way for the arbitrators to nominate an umpire *before* they proceed to consider the subject referred to them ; and it is not unusual for the parties to make it a condition in the submission, that the umpire shall be chosen by the arbitrators before they do any other act. They may also, when a further day is given to the umpire, and the choice left to them in general terms, choose him at any time after the expiration of their own time, provided it be before the time limited for him to make his umpirage. 2 *Mod.* 169.

If the arbitrators nominate an umpire who refuses to undertake the office, they may nominate another.

*Proceedings by Arbitrators.* As soon as the arbitrators or umpire are chosen, a time and place should be appointed for examining into the matter, and notice given of such appointment to the parties or their attorneys ; if the submission be by rule of reference *ad nisi prius*, the witnesses should be sworn at the bar of the court, or afterwards (if then omitted) before a judge.

The parties are bound to attend the arbitrators according to the appointment, either in person or by attorney, with their witnesses and documents. The arbitrators may also, if they think proper, examine the parties themselves, and call for any other information.

If the time be *limited* for making the award, it cannot be made after that time, unless such time have been previously prolonged. The prolongation, where the submission is by the mere act of the parties, may be made by mutual consent, otherwise such prolongation must be obtained by rule of court. But in an action upon an arbitration bond, where the time was limited for the arbitrator to make his award, and the declaration stated that such time was afterwards enlarged by mutual consent, it was held that no action could be maintained, as the bond to recover the penalty for non-performance of the award was made after the limited time. To prevent procrastination by either of the parties, upon due notice given by the arbitrator, he may proceed without his attendance, or a rule of court may be obtained for the party to attend the arbitrator, who on failure may proceed to make his award.

The umpire may proceed upon the report of the arbitrators, incorporating his own opinion with that of the arbitrators, upon the points agreed, so as to constitute a final determination ; nor is the umpire compelled to examine the witnesses, unless particularly requested.

The concurrence of all the arbitrators is necessary in making the award, unless it be expressly provided in the submission, that a less number than all may act ; and where there is such a proviso all must be present, unless those who do not attend were wilfully absent, and had proper and previous notice.

If the award be made before the day limited in the submission, the parties shall not be bound by any thing awarded to be done *before* that day, unless they have had notice, but they are bound at their peril to take notice of any thing ordered *at* that day.

To obviate the consequences of want of notice it has been customary to insert a proviso in the arbitration bond, that the award shall be *made and delivered to the parties within a certain day* ; the bond will in this case not be forfeited, unless the party not performing had notice.

An award ought to be delivered to all the parties who are interested on either side.

Any reservation of a point for the future decision of the arbitrator, or of a power to alter the award, is nugatory ; the specific character of an award



award being a final, certain, and reciprocal termination of the differences referred. The reservation, however, of any act merely ministerial, such as the calculation of interest at a settled rate, &c. will not invalidate an award.

Neither the arbitrators nor the umpire can delegate any part of their authority; but it has been settled, that when the arbitrators have awarded *the substance* of any thing to be done, they may refer it to another to settle *the mode* in which such act may be enforced.

*Power of the Arbitrator with respect to costs.* The jurisdiction of the arbitrator extends not only to the subject of the action, but also to the costs of the action, unless his power is in this respect curtailed by some particular restrictive provision in the submission; but instead of ascertaining the costs himself, the arbitrator may, if he think proper, order them to be referred to the proper officer of the court to be taxed, but to no other person. If, however, the action be pending in an inferior court, the costs must be taxed by the arbitrator himself.

Where it is agreed that costs shall abide the event, this is to be understood as the *legal* event. 3 T. R. And also as to awarding the costs of the arbitration, 2 T. R. 645; and the arbitrators may award damages to either party, although there might have been in point of fact no cause of action between them. 2 Vent. 243.

If the arbitrator awards mutual releases without taking notice of the costs, each party must pay his own. It has been held by the court of common pleas that the general term *costs* in a rule of reference did not include the costs in that particular reference.

*AWARD, its Requisites.* As the whole authority of the arbitrators is derived from the submission, the award should be in perfect unison with the terms of such submission—it must not, therefore, be extended to any matter which is not comprized within the terms of such submission; thus if the submission be only of some particular matter in dispute, the award cannot embrace other controversial matter between the parties not specifically included under such submission.

If the submission be “of all causes of actions, suits, debts, reckonings, accounts, sums of money, claims,

and demands,” an award to release all bonds, specialties, judgments, executions, and extents, is *within* the submission.

Where the submission is “of all debts, trespasses, and injuries,” an award “to release all actions, debts, duties, and demands does not exceed the submission, the word *injuries* comprehending the demands. 3 Bulstr. 312.

This, however, is to be understood, not according to the *strict letter* of the submission; for if the award be of any thing depending upon the principal, it shall be deemed good. Thus, if the submission be of all trespasses, and the award be “that one shall pay to the other 10l. and that he shall give a bond for that sum,” this has been adjudged to be good, because it renders the award more effectual.

If partners refer *all matters and differences between them* to arbitration, the arbitrators have authority, in this case, to dissolve the partnership. 1 Black. Rep. 475.

If in a submission by reference at *nisi prius*, the order and terms of the reference are, “of all matters in dispute *in the cause* between the parties,” the operation of such reference is restricted solely to the matters in dispute between the parties in that particular suit. But if it be (which is recommended where such is the intention of the parties) of *all matters in dispute between the parties in that suit*, the power of the arbitrators is not confined to the subject of that particular cause, but extends to *every matter* in dispute between them. 3 T. R. 626.

As no award of any matter which is not comprized within the terms of the submission can be enforced by any action at law, no person shall by such an award be precluded from claiming his right in equity.

The operation of the award ought not to be extended to any person who is not a party to the submission, yet if the persons comprehended in the award were in contemplation of the submission, although not *directly* parties to it, such award will nevertheless be valid. *Rel. Ab. B.* 18.

If an award be to do any thing against law, it will be void; so also if the award be to do any thing which is morally or physically out of the power of the party, such as delivering up a deed not in his custody,

custody, or over which he has no controul, or where the party is to compel a stranger to do any act of which he can neither enforce the performance, either in law or equity, or to do any thing unreasonable, which may subject him in so doing to an action from another person. What shall or shall not be deemed reasonable is, however, a point of construction in which the cases are at considerable variance. *Rel. Abr. B. 12. 2 Mod. 304.*

Awards must further be *certain and final*. Upon the question of certainty and uncertainty of awards the cases are multifarious; but their decision depends more upon the particular circumstances of each individual case, than upon any fixed principles of general government. The *rule* therefore tends more to regulate the conduct of arbitrators generally, than those numerous exceptions which spring from the respective variations of each particular case.

As the ingenuity of the parties against whom the award is made, is frequently on the stretch in finding out objections, an award cannot be too precise and circumstantial, in laying down not only *what is to be done* by the parties, but the *time, place, and manner* of doing it. The *time and place* have indeed been deemed unnecessary, yet it is nevertheless more safe to specify them.

The construction of awards is now so liberal, that trifling objections are not suffered to prevail against the manifest intention of the parties; and if that to which the objection of uncertainty is made, can be ascertained either by the context of the award, or from the nature of, or circumstances attendant upon the thing awarded, or by any manifest reference to any thing connected with it, such objections shall not prevail.

Every award must not only be certain, but it must be also *final*, so as to prevent any future litigation upon the terms of the submission. If the award be in writing, it must also be upon a suitable stamp; and the Court of King's Bench has recently decided, that if the award be under seal it must be on a *deed* stamp, the sealing, as they held, constituting it a deed. But if it should happen to be on an *improper* stamp, the court will not, on that account merely, set it aside, but leave the party, in whose favour it is made, at liberty, by payment of the penalty, to procure the

proper stamps to be affixed to it. *Preston v. Eastwood, 7 T. R. 95.*

An award that a party shall discontinue his action, or enter a retraxit; that all suits shall cease; that a bill in equity shall be dismissed; that a party shall not commence or prosecute a suit, are all final.

An award must, lastly, be *mutual*, that is, that the thing awarded to be done shall be a final discharge and satisfaction of all debts and claims by the party in whose favour the award is made, against the other for the matter submitted.

*Construction of awards.* The following are the rules which have been established for the construction of awards, viz. awards are to be construed as deeds, according to the intention of the arbitrators; they shall not be construed strictly according to the letter, but liberally according to the intent and meaning of the parties, and according to the power or authority delegated to the arbitrators. *All actions* mentioned in the award shall be construed to mean, all actions over which the arbitrators are by the terms of the submission empowered to decide. If there be any contradiction in the words of an award, so that one part cannot stand consistently with the other, the first part shall stand, and the latter be rejected; but if the latter be only an explanation of the former, both parts in such case shall stand. 3 *Bulst. 66, 7.* And where any words in an award are ambiguous, they shall be so construed as to give effect to the award.

If an award be to give releases up to the time of making the award, this shall be construed in such a manner as to support the award.

If one part of an award be void, the courts will, in many cases, enforce the performance of that, which, if it had stood singly by itself, would have been good, notwithstanding another part might have been bad. 12 *Mod. 534.* But if such other part of the award which is void, be so connected with the rest as to affect the justice of the case between the parties, the award will, in such case, be void for the whole. *Cro. Jac. 584.*

If it appear from the tenor of the award, that the arbitrator has intended that this award shall be mutual, awarding in favour of one of the parties something as an equivalent for what he has awarded in favour of the other; if then that which he has awarded

on one side be void, so that performance of it cannot be enforced, such award will be void for the whole, because that, mutuality, which the arbitrator intended, cannot be preserved. *Rel. Abr. K. 15.*

If one entire act awarded to be done on one side, comprehend several things, for some of which it would be good, and for the others not, such award will be bad for the whole, because the act cannot be divided.

When it appears clearly that both parties have the full effect of what was intended them by the arbitrator, though something be awarded which is void, the award shall nevertheless stand for the rest. *12 Mod. 588.*

An award ought regularly to be made *in writing*, signed and sealed by the arbitrators, and the execution properly attested; it may nevertheless be made verbally, if it be so provided in the submission.

*AWARD, what is deemed performance of it.* The performance of an award need not, in all cases, be precise according to the *very words* of the award, it will be sufficient if it be substantially and effectively the same; and if the party in whose favour the award is made, accept of a performance varying from that which was awarded, this will be, notwithstanding, sufficient. *3 Bulst. 67.*

Where the presence or concurrence of both parties is not absolutely necessary to the performance, each party ought to perform his part, even without waiting to be required by the other.

Any number of years having elapsed since the making of the award, will constitute no objection to perform it by the parties if called upon; nor can the statute of limitations be pleaded in bar to an award, if made under hand and seal.

If an award be, that one party shall enter into a security for money, such as a note, bond, &c. giving such security shall be deemed a performance of the award; and on non-payment, the person to whom such security is given can only proceed against the other on that security, and not on the submission or arbitration bond. *Str. 903, 1802.*

*Remedy to compel performance.* The remedy to compel performance of an award, must vary according to the various forms of the submission.

In all actions upon awards, it must be unequivocally

shewn, that the parties *submitted* before the award itself can be properly introduced. *2 Str. 923.* The submission also must be so stated, as to correspond exactly with, and support the award. *2 Sbev. 61.*

If the action be upon a mutual promise to pay a certain sum *on request*, if the defendant should not stand to the award; an *actual* request to pay such sum must, in this case, be proved. When the submission to award is by bond, the plaintiff usually declares, as in ordinary cases, in an action upon such bond; the defendant then prays *oyer* of the condition; which, being set forth upon record, he pleads that the arbitrators or umpires made *no award*, to which the plaintiff replies, alledging that they did, and assigning breach by the defendant; and upon this the whole question arises, as upon an original declaration. The defendant then either rejoins, that "they made no such award," on which the plaintiff either takes issue, or demurs, and the defendant joins in demurrer.

The plaintiff is bound to shew, that the award was made according to the terms of the submission, and where, by the terms of the award, performance on the part of the plaintiff is a *condition precedent* to that on the part of the defendant; the plaintiff must here shew, that he has done every thing necessary to entitle him to call on the opposite party; but tender by the plaintiff, and refusal by the defendant will be sufficient, unless the thing to be done by the plaintiff can be done without the concurrence of the other.

In an action on the arbitration-bond, where several things are ordered to be done by the defendants, it is not necessary to assign breaches of every matter, because the breach of any one is a forfeiture of the penalty of the bond; and when the plaintiff has once recovered, he can never maintain a second action to recover the penalty again upon the same breach. The above observations apply generally to awards made without the intervention of a court; in awards made in pursuance to an order of *nisi prius*, performance of it may be enforced in the following manner by attachment, viz. The award must be tendered to the party bound to perform it, upon whose refusal to accept, affidavit must be made of the due execution of such award, and of such tender and refusal; and upon this an application is made to the court,

court, by motion, to make the order of *nisi prius* a rule of court; a copy of this rule must be then served personally on the party; and if he still persist in refusing to accept the award, another affidavit must be made of such service and refusal, on which the court will grant an attachment of course.

In the case of *Lee v. Lingard*, East. Term, K. B. 41 G. III. it was decreed, that where a verdict was taken *pro forma* at the trial for a certain sum, subject to the award of an arbitrator, such sum as he shall afterwards in such case award, is to be taken as if it had been originally found by the jury, and the plaintiff may immediately, without application to the court, enter up his judgment. Where the award is accepted, but the money not paid after it is demanded, an affidavit must be made of such refusal, and the due execution of the award. 2 Black. Rep. 990, 1.

In case of any dispute relative to the performance of an award, it is discretionary in the court either to grant or refuse an attachment.

When an award is not for proper payment of money, but an enforcement of any collateral act, it may sometimes be enforced by a bill in equity, upon which the court will decree a specific performance, but a court of equity will not compel a defendant to discover a breach, by which he may subject himself to the penalty of a submission-bond.

*Relief to be obtained in case of an improper Award.* An award, made contrary to the rules of law, may be set aside, but if made in pursuance of the statute, application must be made for that purpose before the last day of the next term after such award is published, for any application to set aside an award either for insufficiency of materials, or for defects appearing upon the very face of the award itself; and it will be rejected if made after the time limited by the statute. *Zachary v. Shepherd*, 11il. 41 G. III. When the submission is by mere act of the parties, the defendant will not be permitted to impeach the conduct of the arbitrators at law, so as to make it a defence to an action on the award or submission-bond. The only relief in such case is in equity; but no court of equity will interfere to set aside an award, where the submission is either voluntary, or under an order of *nisi prius*, except for corruption or improper conduct in the arbitrators: or where the

award appears on the face of it to be contrary to the rules of equity, or to the prejudice of an infant, &c.

In bills to have an award set aside for corruption, it is usual to make the arbitrators defendants, together with the party in whose favour the award is made. The arbitrators may plead the award in bar, but they must shew themselves to have acted impartially, otherwise the court will make them pay costs. Where a question arises as to the extent of the matters actually submitted to the decision of the arbitrator, the latter may be admitted as a witness, to prove that such and such matters were laid before him; but although he cannot in equity be compelled to discover the grounds of his award, yet he has, in matters submitted, a greater discretionary latitude than judges either in law or equity.

If the submission be by order of *nisi prius*, or in pursuance of 9 and 10 W. III. a court of equity will not entertain a bill to relieve against an award for corruption or partiality, unless the court of law refuse to relieve upon application, or the time for complaining at law, under the statute, be elapsed.

By the statute before cited, any arbitration or umpirage, procured by corruption or undue means, shall be void, and be accordingly set aside by any court of law or equity, so as complaint be made to the court, where the rule for submission is made, before the last day of the next term after such arbitration made and published to the parties.

By the above statute, however, the court has no authority to make a parole submission to an award or rule of court. *Ansell v. Evans*, M. 37 G. III. 7 T. R. 1.

But a court of equity may relieve on *manifest grounds*, after the time required by the act for complaint at law, though no such complaint be made at all in the courts of common law. *Barnes*, K. B. 75, 152.

With respect to an award pursuant to an order of reference at *nisi prius*, and one made under the statute of W. III. before cited, there is this distinction. In the former, no time is limited for making an application to set aside an award for any cause (2 Burr. 701.) but in the latter, no application can be made to have the award set aside till the submission be actually made a rule of court, which may be done either after



or before the award is made. 2 *Str.* 1178; 3. *P. Wms.* 362.

The most frequent subject of complaint against an award, arises from some imputed misconduct of the arbitrators, such as if one of them unjustly exclude the rest from the award, or hold private meetings with one of the parties (2 *Vern.* 515.) or appoint an umpire by lot (Ib. 485.) or manifest any other undue partiality.

But if it appear that the arbitrators proceeded upon a plain mistake, either with respect to *law* or *fact*, such would be an error upon the very face of the award, and consequently sufficient to set it aside (2 *Vern.*) so also where any circumstance is suppressed or concealed from either of the arbitrators, and the arbitrator declares, that had he known of such circumstance, he should have made a different award; but this must be understood, if the application be made within the limited time.

If the submission be under the statute, or by reference at *nisi prius*, occasions sometimes occur in which the court, either upon suggestions that the arbitrator was not furnished with sufficient materials for making his award, or perhaps to correct some trifling mistake, will send back the award to be reconsidered; such application must nevertheless, in the former case, be made within the time prescribed by statute.

*How far an award may be pleaded in bar.* An award to be pleaded in bar must have all the qualities essential to a valid award, and it must be such; if pleaded without performance, the plaintiff may have a remedy to compel the performance of it: but if performance be alleged, as it may be, even a void award may frequently be a good bar. Any award, however, which is

in itself uncertain, and cannot be ascertained by a ment, cannot be pleaded in bar.

To make an award a good plea, it must appear that both parties were equally bound by it. As it is now held that an action will lie on the mere submission to an award, it is in no case necessary for the defendant in pleading an award in bar to the action, to allege performance of the thing awarded, unless in those cases where the award is void, and consequently the plaintiff incompetent to enforce it.

The mode of settling disputes by arbitration is at once the most equitable, the least troublesome and expensive, could arbitrators, who, in executing their functions, have a greater latitude than judges either at law or equity, be induced to act as impartial judges, and to divest themselves of those prejudices, which are perhaps, generally speaking, but too incident to human nature. In adjusting long and intricate accounts; in disputes of so insignificant a description, that it is of little consequence in whose favour the decision is given, provided some decision be but given; in questions where the evidence is so uncertain that some decision should be given, whether such decision be right or wrong, so as to preclude litigation, the subjection of a reference to arbitration is perhaps the best tribunal to which parties disputing upon reciprocal claims can possibly appeal.

An award cannot be set aside, because the arbitrator made use of the judgment of another person. *Emery v. Ware*, Mich. 1801.

By the 39th and 40th G. III. c. 106, for preventing unlawful combinations of workmen, magistrates are empowered to act as arbitrators in adjusting disputes relative to wages, &c. See *Administrator, Bankruptcy*, and *Partnership*.

**B**AHAMA, or LUCAYA ISLANDS, are the easternmost of the Antilles, lying in the Atlantic Ocean. They are situated to the south of Carolina, between 22 and 27 degrees N. lat. and 73 and 81 degrees W. long. They extend along the coast of Florida, quite down to the isle of Cuba, and are said to be 500 in number; some of them only mere rocks, but 12 of them large, fertile, and nothing different from the soil of Carolina: all are, however, uninhabited, except Providence. The only article exported from these islands is turtle.

**BAIL**, is the freeing or setting at liberty of one arrested or imprisoned upon any action, either civil or criminal, on surety taken for his appearance at a day and place certain, or when demanded.

By stat. 23 Hen. VI. c. 9, sheriffs, &c. are to let to bail persons by them arrested by force of any writ in any personal action, &c. upon reasonable sureties, having sufficient within the county to keep their days in such place, &c. as the writs require.

*Special bail* are two or more persons who undertake generally, or in a certain sum, that if the defendant be convicted, he shall satisfy the plaintiff, or render himself to the custody of the court: generally they are but two persons, who become bail for a defendant.

An agreement in writing to put in *good bail* for a person arrested on *mesne* process, at the return of the writ or surrender of the body, or pay debt and costs, made by a third person with the sheriff officer's, in consideration of his discharging the party arrested, is void by the said stat. 23 Hen. VI. c. 9; but the undertaking of an attorney for the appearance of a defendant is not within the statute, if given to the plaintiff in the action, and not to the sheriff. 1 T. R. 418. See *Arrest, Evidence*.

**BAILMENT**, is a delivery of goods in trust upon a contract expressed or implied, that they shall be redelivered as soon as the time or use, for which they were bailed, shall have elapsed or be performed.

Bailment may be divided into the following species: a bare and naked bailment to keep for the use of the bailer; such bailee is not chargeable for a common neglect, but it must be a gross one to render himself liable. 2 Str. 1099. Delivery of goods which are useful to keep; and they are to be returned again in specie, which is called a binding gratis, in which case the borrower is strictly bound to keep them; for if he be guilty of the least neglect he shall be answerable, but he shall not be charged when there is no default in him. A delivery of goods for hire; in which the party hiring is to take all possible care, and to restore them at the time, which if he so use his obligation ceases. A delivery by way of pledge; in such goods the pawnee has a special property; and if the goods will be the worse for using, the pawnee must not use them. A delivery of goods to be carried for a reward. A delivery of goods to do some act about them (as to carry), without a reward, or acting by commission.

In this case, if there be any neglect in him, he will be answerable for his having undertaken a trust is a sufficient consideration; but if the goods be misused by a third person in the way, without any neglect of his, he will not be liable, being to have no reward.

Negligence with respect to the bailer may be divided into three classes, viz. gross, ordinary, or slight.

Gross negligence consists in the non-performance or omission of that care which even the most inattentive and thoughtless men never fail to take of their own property. This negligence is justly characterized as a violation of *good faith*.

Ordinary negligence, which is the want of that diligence or ordinary care with which the generality of mankind use in their own concerns.

Slight negligence, which is the omission of that care which very attentive and vigilant persons take of their own goods, or, in other words, of very exact diligence.

Every person hath such a special property in goods delivered to him to keep, that he may maintain an action against strangers who take them out of his possession. *Litt. Abr.* 400, 401.

The following rules are laid down as actions in the law of bailments:

A bailee who derives no benefit from his undertaking is responsible only for gross negligence.

A bailor who alone receives benefit from the bailment is responsible for slight neglect.

When the bailment is beneficial to both parties, the bailee must answer for ordinary neglect.

A special agreement of the bailee to answer for more or less is, in general, valid.

All bailers are answerable for actual fraud, even though the contrary be stipulated.

No bailee shall be charged for a loss by inevitable accident or irresistible force, except by special agreement.

Robbery by force is considered as irresistible; but a loss by private stealth is presumptive evidence of ordinary neglect.

Gross neglect is a violation of good faith.

No action lies to compel performance of a naked contract.

A reparation may be obtained by suit for every damage sustained by an injury.

The negligence of a servant acting by his master's orders, expressed or implied, is the negligence of the master.

From hence may be drawn the following deductions; namely,

A depository is responsible only for gross neglect, or in other words, for a violation of good faith; but a depository, whose character is known to his depositor, shall not answer for mere neglect, if he take no better care of his own goods, and they also be spoiled or destroyed. A mandatory to carry, is responsible only for gross neglect, or a breach of good faith. A mandatory to perform a work, is bound to use a degree of diligence adequate to the performance of it. A man cannot be compelled by action to perform his promise of engaging in a mandate, but a reparation may be obtained by suit for damage occasioned by the non-performance of a promise to become a depository or a mandatory. A pawnee is responsible for ordinary

neglect of the goods bailed, and must apply a degree of skill equal to his undertaking. A letter to hire, of his care and attention, is responsible for ordinary negligence. A carrier for hire by land or water is answerable for ordinary neglect.

The above rules, however, are subject to the exceptions following, viz.

A man who spontaneously and officiously engages to keep or carry the goods of another, though without reward, must answer for slight neglect. If a man through strong persuasions and reluctance undertake the execution of a mandate, no more can be required of him than a fair exertion of his abilities. All bailees become liable for losses by violence or casualty, after their refusal to return the things bailed upon a lawful demand. A borrower and an hirer are answerable at all events, if they keep the things borrowed or hired after a stipulated time, or use them differently from their agreement. A depository and pawnee are answerable in all events, if they use the things deposited or pawned. An innkeeper is answerable for the goods of his guest within his inn, if the guest be robbed by the servants or inmates of the keeper. A common carrier, either by land or water, must indemnify the owner of the goods carried, if he be robbed of them.

Every bailee is responsible for a loss by accident or force, however inevitable or irresistible, if it be occasioned by that degree of negligence for which the nature of his contract makes him generally answerable.

If a man leave a chest locked up with another to be kept, and do not make known to him the contents of the chest, and the goods in it be stolen, the person who received them shall not be chargeable for the same, for he was not intrusted with them.

If one deliver his goods to another person to convey over to a stranger, the deliverer may countermand his power, and require the goods again; and if the bailee refuse to deliver them, he may have an action of arrest for them. *Co. Litt.* 286.

If A delivers goods to B to deliver to C, C hath the property, and consequently is entitled to an action against B; for the latter undertakes for the safe delivery to C, and hath no property or interest but an order to that purpose. *1 Rol. Abr.* 606.

But if the bailment were not on valuable considerations, the delivery is countermandable; and if in that case A, the bailer, bring trover, he reduces the property again in himself, such action being tantamount to a countermand; but if the delivery be on a valuable consideration, then A cannot have trover, because, in this case, the property is altered, and the plaintiff in trover must prove the right to be in himself.

Where a man delivers goods to another to be redelivered to him at such a day, and before that day the bailee doth sell the goods in market, the bailer may at the day seize and take his goods, for the property is not altered.

If A borrows a horse to ride to Dover, and he rides out of the way, and the owner of the horse meets him, he cannot take the horse from him, for A has a special property in the horse till the journey is determined; and being in lawful possession of the horse, the owner cannot violently seize and take it away, for the continuance of all property is to be taken from the form of the original bargain, which in this case was limited till the journey was over. *Yelv.* 172. But the owner may in this case have an action on the case against the bailee for exceeding the purposes of the loan, for so far it is a secret and fallacious abuse of his property. 1 *Roll. Rep.* 128.

In borrowing a thing perishable, as corn, wine, money, or the like, a man is obliged to return something of the same sort, the same in quality and quantity with what is borrowed.

But if one lend a horse, &c. he must have the same restored. If a thing lent for a specific use be used for any other purpose than that for which it was borrowed, the party may maintain an action for it, though the thing be never the worse; and if what is borrowed be lost, although it be not by any negligence of the borrower, as if he be robbed of it, or where the thing is impaired or destroyed by his neglect, admitting that he put it to no more service than that for which he borrowed, he must make it good; but if goods borrowed perish by inevitable accident in the right use of them, the borrower shall not be charged. 1 *Inst.* 89, 2 *Sir.* 75 11.

**BALANCE**, a machine for ascertaining the weights of different bodies by weighing them against some

standard weight. There are many different constructions of balances, but that where the two arms are equal is the least liable to deception, as in it the distances from the center being the same, the weight and substance weighed are equal. In that case also the operation may be proved by simply reversing it, or changing the weights from one scale to the other. Where the arms of the weighing machine are unequal, then the weight and substance weighed are inversely to each other as their distances from the centre. This machine may be constructed with equal accuracy, and in cases of heavy bodies is more convenient, but its operations cannot be proved, or their accuracy ascertained without great trouble. Besides which, any accidental variation in the weight is not a cause of a simple error, but is magnified in the inverse proportion of the distances from the center.

**BALANCE** in the account of merchants, is when the debtor and creditor sides of any distinct accounts are equal; when that is the case, such account is said to be balanced.

**BALANCE** of TRADE. This is a term applied to the money balance to be paid by one nation trading and carrying on business with another. So far as the articles mutually exported and imported pay for each other, there is no balance, but on whichever side the exports fall short in their amount, that nation is said to have the balance against it, and *vice versa*. This subject has been involved in a sort of obscurity, and has not been in general well understood. It has been considered, that when the balance of trade is against a nation, that it must necessarily be unfavourable and disadvantageous to that nation, but that is a great error. When one nation imports from another articles which it cannot produce itself, and which it must have, the importation of such articles is not to be considered as disadvantageous to the importers. Thus may be given for an example the commerce with Russia, with which the balance has always been against this country. With the East Indies, and West India islands, the balance has likewise been against us, yet, though for different reasons, those trades have none of them been disadvantageous to this country. Russia furnishes us with articles which we could not ourselves produce at an equally low price; and with regard to the East and West Indies, a great  
part



part of what we import is again exported to other countries with advantage and gain.

The rate of exchange has been considered as the criterion to determine the side to which the balance inclined ; but in this also there is an error, for there are so many imaginary transactions often between two countries, and the debts of a third country are so frequently settled by bills between two of them only, that this rate, which is considered as a true criterion, is a very false one. The degraded situation of the coin, that is, the inferiority of its real to its nominal value in any country, does also produce an influence on the rate of exchange with all other countries.

It is to be observed, that if the general balance is against a country, the effect must be unfavourable ; but the state of the balance with any one country is not a rule by which the state of commerce can be estimated. For the balance in favour of this country with other nations, see the article *Commerce*.

**BALANCING ACCOUNTS**, the act of settling what is due from one person to another, when they have had dealings in trade together, or when part of the sum due from one to another has been paid, and a portion still remains due. The amount remaining due is called the balance ; the determining how much that is, is called settling a balance, and the paying it is termed balancing accounts, or paying the balance.

**BALANCING BOOKS**, consists in examining the state of debtor and creditor through the whole of a set of books, by taking the general result as extracted from the ledger. See *Book-Keeping*.

**BALDIVIA** or **VALDIVIA**, a sea port town of Chili, in south America, belonging to the Spaniards. The trade is less considerable than formerly, because the gold mines in the neighbourhood are shut up, yet several large ships are employed in the trade between this port and Lima, which consists of gold, corn, hides, and salt provisions, which are exchanged for slaves, sugar, chocolate, and European commodities and manufactures.

**BALE**, goods tightly packed up in cloth, and usually consisting of a certain quantity according to the usage respecting the particular article or commodity. Thus a bale of cotton yarn is from 300 to 400 weight ; of raw silk, from 100 to 400 ; of dowlas, from

three to four pieces, &c. To sell under the *bale* or under the *cords*, is a term in France and other countries for selling goods by the gross, without sample or pattern, and unopened.

**BALISORE**, a sea port town of Asia, in the East Indies, to the north west of the bay of Bengal. It is about four miles from the sea, in a very fruitful soil, producing rice wheat, aromatic seeds, tobacco, &c. The inhabitants make several sorts of stuff of cotton, silk, and a sort of grass. The English, French, and Dutch, have factories here, but they are now of no great account.

**BALLAGE** or **BAILAGE**, a small duty paid to the city of London by aliens, and even denizens, for certain commodities exported by them. See *Aliens, Denizens, &c.*

**BALLAST**, any heavy matter, as stone, gravel, iron, &c. thrown into the hold of a ship, in order to make her sink a proper depth in the water, and to enable her to carry a sufficient quantity of sail without over-setting.

By st. 6 G. II. c. 29. S. 1. All masters of ships lying in the river *Thames* shall pay to the corporation of *Trinity House*, for all ballast demanded and entered at the ballast office, the rates following, viz.

For every ton consisting of twenty hundred weight, carried to any ship employed in the coal trade, - - - £. 0 1 0

For every ton carried to any other British ship, - - - 0 1 3

For every ton carried to any foreign ship, 0 1 7  
The corporation of *Trinity House* shall pay for the raising and carrying every ton of ballast, consisting of 20 hundred weight, to any ship or ships, the sum of nine-pence, whereof sixpence shall be paid to the two ballast men for their labour, and the sum of three-pence for the use of the lighters employed in that service.

Nothing in this act contained shall extend to alter the price of washed ballast used by, or delivered to, any ship or vessel respectively. S. 2.

If any ballast man shall deliver any ballast, which shall fall short of the quantity or tonnage, at and for which the same shall be delivered, or shall neglect or refuse to deliver to any ship or vessel, such quantity of ballast as the rulers of the ballast office shall  
by

by their usual tickets direct, or shall deliver more, or other ballast than shall be directed; every ballast man so offending, and oath being made of the fact within ten days after the offence, or within ten days after the next return of such by the master or other officer of any such ship, before a supervisor of the ballast office, being an elder brother (and which oath any such supervisor is thereby authorised and required to administer without fee or reward) shall, for every ton which the ballast so delivered shall appear upon oath aforesaid to fall short, and for every ton directed by the ballast rulers, which said ballast men shall neglect to deliver, and for every ton delivered contrary to the direction of the said rulers, forfeit and pay the sum of 2s. 6d. S. 11.

Master, warden, and assistants, shall, from time to time, pay, satisfy, and make good to the master or owner of such ship, the quantity or value of the ballast which shall be found deficient; and in case such recompence shall not be made within ten days after the same shall be demanded, the corporation in every such case shall forfeit and pay the sum of 50l. to be recovered against the said corporation by bill, plaint, or information, in any of his majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law, and no more than one imparlance shall be allowed; one moiety of which penalty shall be applied to the use of the poor of the parish where such offence shall be committed, the other moiety to the person who shall sue for the same, which recompence, payment, and satisfaction, the corporation are empowered to stop out of the wages due to such ballast men, over and above the penalties. S. 4.

No master, owner, or officer, shall oblige any ballast man to deliver ballast which shall be directed by the rulers of the ballast office to be carried to any other ship; and if any person shall fraudulently receive any greater quantity of ballast than they shall enter and pay for at the office, every person so offending, and being thereof convicted upon oath of one witness, before one or more justice or justices of the peace for the city of *London*, or the counties of *Middlesex*, *Essex*, *Kent*, or *Surry*, within their respective jurisdictions, shall, for every ton of ballast, forfeit and pay the sum of 2s. 6d. S. 5.

If any ballast man shall refuse to work for the

wages herein mentioned, or having contracted to serve for any term, shall quit such service, or shall depart from the service of the corporation without giving three months notice in writing to the supervisors of the ballast office, or shall refuse to work, or shall not work in such stations in the river *Thames*, as the corporation shall appoint, or shall work in any place or station contrary to the order or direction of the rulers of the office, given in writing for that purpose, or shall begin, promote, cause, or join in any combination, in order to raise the wages of any ballast men, or obstruct the service of the corporation, or the navigation of the river, every person so offending, and being convicted as aforesaid, shall, for every such offence, forfeit and pay the sum of 5l. S. 6.

The corporation of the *Trinity House* shall cause marks to be set on the stem and stern of every lighter, between every two gauge marks now placed on the stem and stern, that the tonnage of every such lighter may be computed and distinguished by a gradual progression of two tons and an half. S. 7.

It shall be lawful to and for the masters of all ships and vessels taking ballast of the said corporation, to meet in the square at *Billingsgate*, on the third Monday in June, in every year, and to adjourn as the majority of them shall think fit, and by writing under the hands and seals of the major part of them, to appoint persons, having been master or masters of ships to inspect the ballast lighters, which persons are empowered to examine the marks; and in case such person shall suspect that any of the marks have been altered, and shall at the ballast office require the said lighter to be re-weighed; and in case the same shall be found to be of as great tonnage as by the marks shall be noted, the charge of such re-weighing shall be paid by the person requiring the same, and in case such persons shall not pay the charge within ten days after such re-weighing, they shall forfeit 5l.; but if such lighter shall be found of less tonnage than the marks denote, the charge of such re-weighing shall be borne by the corporation, who shall cause the marks on the stern and stem of such lighter, to be placed in such manner as to denote the true tonnage; and in case the corporation shall refuse or neglect to have

such lighter re-weighed, or to mark the same according to this act, then and in every such case the corporation shall forfeit and pay the sum of 50*l.*, to be recovered by bill, plaint, or information, in any of his majesty's courts of record at Westminster, &c. one moiety of the penalty to the use of the poor of the parish where the offence shall be committed, the other moiety to the person who shall sue for the same. S. 8.

No more than two lighters shall be required to be re-weighed within the space of any one week. S. 9.

It shall be lawful to and for every or any master or commander of any ship or vessel to appoint any two persons belonging to such ship (whereof the mate to be one) to go on board any lighter bringing ballast to such ship, to inspect the marks before and after the delivery of such ballast, and every ballast man shall, immediately before the delivery of ballast to any ship, trim such lighter so as to make the same swim, at equal marks, at the stem and stern, and pump all the water out; and if any person working on board such lighter shall hinder any person so appointed from going on board such lighter, or shall begin to deliver the ballast before such lighter shall be trimmed to swim at equal marks, and the water be pumped out of the same, every person so offending, and being lawfully convicted as aforesaid, shall, for every such offence, forfeit the sum of 5*l.* S. 10.

If any ballast man shall work or deliver ballast in any lighter not weighed, marked, numbered, and allowed by the corporation, or shall alter or counterfeit any of the gauge marks, denoting the tonnage of any ballast lighter, or the number of any such lighter in the service of the said corporation, he shall forfeit and pay the sum of 10*l.* S. 11.

If any ballast man shall demand and receive from any master or officer of any ship any money on account of ballast, or the delivery of the same, he shall forfeit and pay the sum of 40*s.* S. 12.

The ballast men employed in the service of the corporation shall be subject to the regulations of the corporation, provided such regulations do not extend to the lowering the wages. S. 13.

It shall be lawful for any master of a ship to carry as ballast from London, or any part of the river Thames,

any dung, chalk, soap, ashes, flints, clay, or other goods, not claimed to be furnished, as ballast, by the said corporation of the Trinity House, subject nevertheless to the rates and duties, provisos, and restrictions, herein after mentioned, expressed and contained. S. 14.

The master or owner of every such ship or vessel shall first make entry at the ballast office, or with the officer of the said corporation at *Gravesend*, of the said goods, and the name of such ship, and of the master. S. 15.

At the time of such entry, the master of such ship shall pay for such licence to the corporation, one penny for every ton of the said goods. S. 16.

If any master of a ship shall put on board any of the said goods before such entry and payment, or shall ship any greater quantity than shall be so entered and paid for, he, on conviction before one justice, shall forfeit 5*l.*; one moiety to the use of the poor of the said corporation, and the other moiety to the person who shall inform and sue for the same. S. 17.

Provided that the whole quantity of dung and compost, licenced to be shipped for the use of the coasters and colliers, does not exceed 3000 tons in any one year, to commence and be computed from the first day of *June* inclusive in every year, and that the whole quantity of chalk and chalk rubbish does not exceed 3000 tons, and that the quantity of soap, ashes, and all other commodities herein licenced, does not exceed 2000 tons in any one year, to commence and be computed as aforesaid. S. 18.

All entries of the goods so licensed, shall be shipped in the last seven days of *May*, shall be made at the Trinity House in London, and not at *Gravesend*. S. 19.

It shall be lawful for any master or owner of any ship or vessel, from time to time, to ship, transport and carry in any such ship or vessel, as ballast, from London, or any part of the river Thames, any quantity of bricks, tiles, or lime, or any other merchandizeable commodity, without paying any thing to the corporation. S. 20.

This act has been continued by several other statutes.

By stat. 19. G. II. c. 22, masters or owners, or any persons acting as masters or owners of any ships, boats, or other vessels whatever, throwing out or unloading within any haven, port, road, channel, or navigable river, any ballast, rubbish, gravel, earth, stone, wreck or filth, but only on the land where the tide or water never flows, any one or more justices for the county or place where or near which the offence shall be committed, upon information thereof, shall summon, or issue his warrant for bringing the master or owner of the vessel, or other person acting as such, before him; and upon appearance or default shall proceed to examine the matter of fact, and upon proof made thereof, either by confession of the party, or on view of the justice, or upon the oath of one or more credible witness or witnesses, which oath the said justice is to administer, he shall convict the said master or masters, and fine him at his discretion, for every such offence, any sum not exceeding 5l. nor under 50s.; one moiety to the informer, and the other moiety to the use of the poor of the parish or place wherein such conviction shall be pronounced.

Penalties incurred by this act to be recovered by distress and sale either of the goods and chattles of the persons convicted, or of the ship, boat or other vessels, or their tackle, apparel, or furniture, and for want of sufficient distress, the persons convicted of this offence to be committed to the house of correction of the county where such offenders shall have been respectively convicted, for two months, or until payment of the penalties or forfeitures, or so much thereof as for the non-payment of which such commitment shall be. S. 2.

By st. 32 G. II. c. 1. All the powers and provisions of the preceding act, except as by this act amended, are continued until the 24th of June 1770, and from thence to the end of the then next session of parliament, and has since been continued.

Dung, compost, soil, earth, chalk, rubbish, soap, ashes, soap waste, flints, tobacco, pipe clay, or any other goods claimed to be furnished as ballast by the *Trinity House*, subject to the payment of rates and duties, and under the provisos and restrictions aforementioned, may be shipped in colliers or coasters from London or any part of the *Thames*, so that the same

do not exceed 2000 tons over and above 2000 to be allowed to be shipped by the lessees or occupiers of laystalls, on the condition after-mentioned, of chalk and chalk rubbish, 3000 tons, and of soap, ashes, and other commodities, claimed to be furnished by the *Trinity House*, 2000 tons. S. 2.

Before shipping the ballast claimed by the *Trinity House*, the master or owner shall make a due entry at the ballast office at the *Trinity House*, London, or at the *Trinity House*, *Graveyard*, (unless the ballast be shipped in the last seven days of the month of May, then the entry at London only) and of the ship's name, and of the master, and at the same time to pay the corporation one penny a ton for a licence. S. 3.

If any of the commodities be shipped before entry, or any greater quantity shipped than entered, to forfeit five pounds. S. 4.

Bricks, tiles, lime, or merchantable commodities, to be shipped without paying for licence. S. 5.

All lighters and other vessels employed for carrying dung, &c. on board any ship or vessel, to be first weighed, marked, and numbered by any officer of the *Trinity House*; and a gauge, a mark of the number, and tonnage of the vessel, to be painted on the stern and stem of the vessel, and not be removed. Penalty for each offence five pounds. S. 6.

If the gauge mark has been removed, altered or changed, the corporation may re-weigh the lighter, and if the tonnage is more than marked, the owner to forfeit five pounds. S. 7.

All vessels entering the *Thames* shall unload their ballast on some wharf or ground above high water mark, or into lighters belonging to the corporation of the *Trinity House*, which the said corporation are hereby required to furnish, and send on any demand for the same being made or left in writing at the said ballast office, by or on the behalf of every such owner or master; and if the *Trinity House* shall refuse or neglect to furnish sufficient lighters to take any ballast from any such ship or vessel, according to the true meaning of this act, within the space of three days after any such application or demand, the said corporation shall pay for every such neglect or refusal the sum of fifty pounds; unless such refusal or neglect shall be occasioned by frosty or tempestuous



pestuous weather, preventing such lighters being navigated to take away the same. S. 8.

Owners or masters of every ship or vessel out of which any ballast shall be taken by any lighter or vessel belonging to the said corporation, shall pay sixpence per ton for every ton of ballast received by the said corporation, out of any such ship or vessel, within the space of twenty-four hours after any such ballast shall be carried away, which money shall be applied and disposed of for the use of the poor of the said corporation. S. 9.

If any ballast of any kind or denomination whatsoever shall be unloaded, put or thrown out of any ship or vessel into the river Thames, or below the high water mark in the said river; such master or commander of every respective ship shall forfeit for every such offence the sum of five pounds. S. 10.

Persons unloading or throwing rubbish, earth, ashes, dirt or soil from any wharf, quay, or bank adjoining the said river, or from any barge or lighter, &c. and being convicted thereof in manner prescribed by this act, shall forfeit for every such offence the sum of 40s. S. 11.

Dung, compost, earth or soil for ballast, shall be delivered into, or put on board any such coaster or collier immediately, from any laystall, wharf, quay, or other place on shore, adjoining or near to the said river Thames; and all dung, compost, &c. so delivered, shall be carried to every such coaster or collier in and by some lighter, barge or vessel, which shall be weighed, marked and numbered as directed by this act, and shall be delivered or put on board such coaster or collier, from such numbered and marked lighter, barge or vessel only, and not in any other manner, under penalty of five pounds for each offence.

The above act has been continued by various subsequent acts till June 24, 1805.

**BANK.** The banking system is founded on the principle of depositing a value, which is forthcoming and answerable for written promises issued, called notes, and which pass from hand to hand as a circulating medium, or as the coin of the country.

The variety of ways in which this principle is reduced to practice will be best understood by giving an account of the banks that are now in existence, beginning with the bank of England, which possesses

a credit and advantages never experienced by any other establishment of the same nature.

A few words may, however, be said on the different nature of banks.

A bank may be termed a common repository where several persons keep their cash to be secure, and always ready for their direction and use.

The first institution of banks was in Italy, and the term bank derives its etymology from the word *banco* or bench, the Jews in Lombardy keeping benches in the market places for the exchange of money and bills. Banks are of two kinds; public, consisting in a company of monied men, who being duly established and incorporated by the laws of their country, agree to deposit a considerable fund or joint stock to be employed for the use of the society; as lending money upon good security, buying and selling bullion, discounting bills of exchange, &c. 2d, Private banks; where individuals, either single or in partnership, transact their business in the same mode as the former, upon their own individual capital and credit. Banking companies and private bankers, as they are termed, from having no public to incorporate the persons who have shares, are of great utility in making transfers of payment from one town to another, and from one country to every other, by which means merchants, at the greatest distance, settle their accounts without any actual transfer of cash, which is always attended with risque and expence. Travellers also, by means of banks, are supplied with money without the trouble of carrying it along with them, by which means they avoid personal inconvenience and danger. See *Cash-Notes, and Checks*.

**BANK OF ENGLAND.** The first bank in point of consequence and extent of circulation in Europe was formerly the bank of Venice, but is now the bank of England, which was established in the year 1694, upon a plan suggested by Mr. Patterson, a merchant of considerable eminence in the reign of William the Third, who, knowing the advantages that had resulted to his own country from the bank of Amsterdam, was ready to patronize a plan, which, while it afforded facility to commerce, gave stability to government. Its object was to supply the exigencies of government as well as of mercantile men, and the scheme, after being debated for some time in the privy council,

was at length adopted, and the company incorporated by stat. 5 and 6 Will. and Mary, by the name of the Governor and Company of the Bank of England. The immediate consideration was the sum of 1,200,000*l.* granted to the government, for which the subscribers received nearly eight per cent. interest.

By the above charter the company are not to borrow under their common seal, except by act of parliament. They are not to trade or suffer any person in trust for them to trade in any goods or merchandize; but they may deal in bills of exchange, buying and selling bullion, foreign gold and silver coin, &c.

By 8 and 9 Will. III. c. 20, they were empowered to enlarge their capital stock, 2,201,171*l.* 10*s.* It was then also enacted, that bank stock should be a personal, and not a real estate, as formerly. The act of incorporation further says, that no member of the said company shall be adjudged or liable to be a bankrupt, within the intent and meaning of all or any of the statutes made against or concerning bankrupts, for or by reason of their stock and interest in the said company, and that no stock belonging to them jointly shall be subject or liable to any foreign attachment, by the custom of London or otherwise. And that no contract, either in word or in writing, for buying or selling bank stock, should be good in law, unless registered in the books of the bank within seven days, and the stock transferred within fourteen days, and that it shall be felony, without benefit of clergy, to counterfeit the common seal of the bank, or any sealed bank bill, made or given out in the name of the governor and company, for payment of any sum of money, or any bank note of any sort whatsoever, or to alter or erase any indorsements on any such bills or notes. By 7 Anne the bank were empowered to increase their capital to 4,402,843*l.* on advancing to government the further sum of 400,000*l.* and in 1714 they advanced another loan of 1,500,000*l.*

In the third year of the reign of king George the First, the interest in their capital stock was reduced to five per cent., when the bank agreed to deliver up as many exchequer bills as amounted to 2,000,000*l.* and to accept an annuity of 100,000*l.*, and it was declared lawful for the bank to make a call upon their members, in proportion to their interests in their capital stock, for such sums of money as in a

general court should be found necessary; and that if any member should neglect or refuse to pay his share of the monies so called for at the time appointed, after due notice for that purpose, it should be lawful for the bank not only to stop the dividend of such member, and to apply it towards payment of the money in question, but also to stop the transfers of the share of such defaulter, and to charge him with an annuity of five per cent. per annum for the money so omitted to be paid; and if the principal and interest should be three months unpaid, the bank should have power to sell so much of the stock belonging to the defaulter as should satisfy the same. After this the bank reduced the interest of 200,000*l.* lent to government from five to four per cent., and purchased several other annuities, which were afterwards redeemed by government, and the national debt to the bank reduced to 1,600,000*l.*; but in 1742 the bank engaged to advance to government 1,600,000*l.* at three per cent. which is now called the three per cent. annuities, so that government was then indebted to the company in 3,200,000*l.*, one moiety bearing four and the other three per cent. interest.

In the year 1746 the company agreed that the sum of 986,800*l.* due to them in exchequer bills unsatisfied should be cancelled, and in lieu thereof to accept an annuity of 39,442*l.*, being the interest of that sum at four per cent. The company also agreed to advance the further sum of 1,000,000*l.* into the exchequer, upon the credit of the duties arising by the malt and land tax, at four per cent. for exchequer bills to be issued for that purpose, in consideration of which the company were enabled to increase their capital 986,800*l.*, the interest of which, as well as that of the other annuities, was reduced to three and a half per cent. until the fifth day of December 1757, when it was reduced to three per cent.

And in order to enable them to circulate such exchequer bills, they established what they now call bank circulation, the nature of which is as follows:

They opened a subscription, which they renew annually, for 1,000,000*l.*, wherein the subscribers advance ten per cent., and enter into a contract to pay the remainder, or any part thereof, whenever the bank shall call upon them, under the penalty of forfeiting

the ten per cent. so advanced ; in consideration of which the bank pays the subscribers four per cent. interest for the money paid in, and one-fourth per cent. for the whole sum they agree to furnish ; and in case a call should be made on them, then for the whole or any part thereof. The bank further agrees to pay them at the rate of five per cent. per annum for such sum, until repayment, which they are under obligation to do at the expiration of the year. By this means the bank obtains all the purposes of keeping 1,000,000*l.* by them, and though the subscribers, if no call be made upon them, (which is generally the case) receive six and a half per cent. for the money they advance, yet the company gains the sum of 23,500*l.* per annum by the contract, as will appear by the following statement :

The bank receives from government for the advance of a million	- -	£.30,000
The bank pays the subscribers, who advance 100,000 <i>l.</i> , and engage to pay (when called for) 900,000 <i>l.</i> more		6,500

The clear gain to the bank is £.23,500

Bank stock may properly be called a trading stock, since with this they deal very largely in foreign gold and silver, discounting bills of exchange, &c. exclusive of which the bank is allowed large sums of money annually for the management of the annuities paid at their office.

The company make dividends of the profits half-yearly, of which notice is publicly given, when those who have occasion for their money may readily receive it ; but private persons, if they deem it more convenient, are permitted to continue their funds, and to have their interest added to their principal.

The bank of England is managed by a governor, deputy governor, and 24 directors, who are annually elected by the general court ; 13 or more compose a court of directors for managing the affairs of the company. The officers and clerks of this company are very numerous, and are by the act of incorporation placed entirely under the jurisdiction of the court of directors. The capital stock, which has been enlarged by various statutes, is exempted from taxes, accounted a personal estate, assignable over, not subject to forfeitures, are redem-

able by parliament on paying of the money borrowed.

The stability of the bank of England is almost equal to that of the British government. All that it has advanced to government must be lost before the creditors can sustain any considerable loss.

No other banking company in England can be established by act of parliament, or can consist of more than six members ; and those who hold the shares in any other banking company are personally liable for the whole debts of the society. This last is a very material consideration, and prevents any formidable rival from starting up in opposition to what may very properly be called a *national bank*. Its action is not only as an ordinary bank, but as a great engine of state, receiving and paying the greater part of the annuities which are due to the creditors of the public, circulating exchequer bills, and advancing to government the annual amount of the land and malt taxes, which are frequently not paid up until some years thereafter. It has, likewise, upon several different occasions, supported the credit of the principal houses of commerce, not only in England but in other parts of Europe ; upon one occasion it is said to have advanced for this purpose in one week about 1,600,000*l.*, and a great part of this in bullion.

Officers or servants of the company embezzling any bank note, &c. wherewith they are entrusted duly, and convicted thereof, shall suffer death as felons.

By 13 G. III. c. 79, persons not authorized by the bank, making or using moulds for the making of paper, with the words *bank of England* visible in the substance, or having such moulds in their possession, are guilty of felony, without benefit of clergy ; and persons issuing notes and bills, engraved to resemble those of the bank, or having the sum expressed in white characters on a black ground, may be punished by imprisonment, not exceeding six months ; but innocent persons possessed of such notes, carrying them for payment, are not affected by this statute.

Private banks were of much earlier origin than national or public banks. Previous to the year 1640, the Royal Mint and the Tower of London had been used by merchants as a kind of bank for the security of their money ; but Charles I. having made free with their money, the mint lost public confidence.

Private banking originated in this country with the Goldsmiths' Company.

The proper business of the London goldsmiths had always been to buy and sell plate, bullion, and foreign coins of gold and silver, to melt and cull them, to coin some at the mint, and with the rest to supply the refiners, plate makers, and merchants, as they found convenient for the advantage of trade. But in consequence of the civil broils which broke out about the period of king Charles's reign, the merchants and principal traders began to lodge their money in the goldsmiths hands for the greater security. This became so much the fashion, that in a very short time the banking scheme constituted a very considerable branch of their business. The goldsmiths began to discount merchants' bonds and bills, both in town and from the country, and also to receive the rents of gentlemen's estates remitted to town, and to allow interest if it remained only for a single month. This was a great allurements to the people to put out their money, and an invention that brought an immense quantity of cash into their hands, so that they were enabled to supply government, as the bank of England does now, with temporary sums, for which these bankers took 10 per cent., and on bills, tillies, orders, and debts due to the king, they sometimes got from twenty to thirty per cent., to the great dishonour of the government. Thus they became a sort of public bank, with individual and private direction, as the security depended on the public, but the management on particular people. This great gain induced the goldsmiths more and more to become lenders to government, to anticipate all the revenue, to take every grant of parliament into pledge as soon as it was given, so that in fact all the revenue passed through their hands. Thus they went on to the year 1672, when they had jointly and severally amassed of the public's money 1,328,526*l.*, which was deposited for safety in the king's treasury, and whence they were in the habit of receiving weekly whatever sum or sums were wanted for their customers.

At this time Charles II. happening to be much in want of cash, he shut up the exchequer, and seized upon all the money to carry on his war with Holland. This violent measure bankrupted the goldsmiths, and is said to have brought near ten thou-

sand families to poverty. A general murmur ran through the nation; and the public became so clamorous, that the king, for his personal safety, was obliged to bind himself to pay the principal out of his revenue, and till that should be effected to allow an interest of six per cent. per annum; but the principal was never paid. However, the parliament, 12 Wil. III. c. 12, provided for a large arrear of interest then due, and settled the interest at three per cent. for the future. The debt was hereby made redeemable, on paying one moiety of the principal sum, viz. 664,263*l.* further confirmed by an act of Queen Anne, which moiety then became the proper debt of the public, and was finally subscribed into the South Sea capital stock in the year 1720; and many years after, when the present custom of receiving and paying money from morning till night in an open shop came first to be introduced, it was thought to be very singular; and Sir Josiah Child, and several other authors of credit, wrote very vehemently against it. The bankers were accused of being a set of usurers, of keeping the interest of money at least two per cent. higher than otherwise it would be, which was productive of many evils, and also that they made money scarce amongst individuals, by surreptitiously collecting all they could into their own possessions, whereby the country was drained in every part, and the subject injured; whereas it is since bankers established themselves in different parts of the country, and banks have been established in large towns, that money is become plenty and the interest low. The fact relative to the first *bonus* allowed by the bank of England to government of a loan at nearly eight per cent. interest, which was considered advantageous to the borrower, is a decisive proof in favour of the reduction of interest by those establishments. But upon the whole, whatever might have been the practice of bankers then, the case is now quite otherwise. The dispatch given by our modern bankers to merchants and dealers in general is found so convenient to trade that people are greatly accommodated by lodging cash with them, to be drawn out from time to time, as they want it, without receiving or expecting any interest whatever; and the facility with which bills, notes, drafts, bonds, and real personal securities, are and may be converted into immediate money through the medium



dium of private banks, both in London and in the country, must be acknowledged to be not only a very great public convenience, but one of the most important aids to commerce and trade that custom ever invented or introduced.

By each person keeping his money with a banker, those individual sums with which no operation in commerce could be carried on, as they are too fluctuating and inconsiderable, form one large capital, with which the banker can accommodate such of his customers as want it, by discounts or employ in other business. Thus, then, a capital that must have lain dormant, divided in the hands of individuals, is brought into activity in that of their banker, to the great advantage of individuals and the public.

The operations of the bank of England may be considered under three distinct heads: the first relates to the general circulation, or circulating medium of the country; the second, to its transactions with government by loans, payment of dividends, &c.; the third, to commercial discounts. Circulation, as the word implies, must have a pivot or centre, on which the whole can turn; and that centre, as far as relates to the island of Great Britain, is the bank of England, whose paper or notes represent that medium for every useful and convenient purpose: but paper may be as good a representative sign as gold, and in some instances better, because it is more easy to manage and transfer, and enjoys perfect confidence. It is more portable than gold, and so long as it can at will be converted into that precious metal, it answers every purpose without the inconvenience attending the use of it. The only difference consists in such paper being the circulating medium only for the country where it issues, while gold or silver are the circulating mediums in every part of the world; but both are no more than representative signs. If there were more gold than is wanted, confidence in it as a representative sign would slacken, and it would no longer be a circulating medium. If bank notes were augmented, so as to be sold at a discount, confidence would vanish, and those notes be no longer a circulating medium. See *Circulating Medium*.

It is difficult to understand the principles upon which the bank of England is established, the nature of its public and private interests, and more parti-

cularly to appreciate the real situation of the country with respect to the paper circulation, without entering into some explanations with regard to past occurrences, and the relative state of the country banks; in which explanations it is material to observe, that the bank of England did never entirely absorb the whole of the national and commercial circulations. The amount of the bills discounted by the bank for common purposes was till lately not known; but before the state of their affairs was laid before parliament a few years since, the amount could not have been large, at least it must have borne a small proportion to the commerce and solid circulation of the country. If the amount of paper discounted for fictitious and stock-jobbing purposes be deducted, the remainder will bear a very small proportion indeed to the whole; and therefore the commerce of the country would not receive a fatal blow if the bank should decline discounts altogether, nor even should it fail. The convulsion would, no doubt, be great, the difficulty and distress incalculable, but the country would not be ruined. The existence of the bank depends on that of the country, but the existence of the country by no means depends on that of the bank.

Very few foreigners have understood the principles on which the bank of England is established; they have always considered its notes as government paper, and the experience they have had of the practice of governments in every country, induced them to suppose, that when gold was refused on the presentation of the notes Feb. 27, 1797, the bank and the country were equally on the brink of ruin. They could not distinguish between paper issued for the sole purpose of circulation, limited in its amount, and under the authority and responsibility of a corporate body absolutely independent; and that paper which government could issue *ad libitum*, bearing an interest that rendered it an object for persons to purchase as a productive investment of their capitals; they were very much astonished to find the total amount of notes in circulation to be so small, compared with the commerce and wealth of the country, and equally so, that after all, bank-notes continued to circulate at par. The ideas of foreigners have been further misled on this subject than they otherwise would have been, by supposing that the English government, like that

that of France, put the directors of the bank in a state of coercion, and obliged them to supply its exigencies. Except the sums borrowed on certain conditions for prolonging the charter, every other loan made by the bank is on some specific pledge, and for a limited time, for which the bank obtains such a security as would enable it, if necessary, easily to borrow the sum lent to government from individuals. These opinions, however, did not prevail at home, from the knowledge of the sources whence those notes issued, namely, deposits of bullion, loans to government, and commercial discounts, together with the confidence reposed in the directors from the open manner in which they met, and even courted public investigation, at the alarming crisis of their stopping payment. From long experience, the directors of the bank must understand correctly the amount to which their notes can circulate without depreciation or discount; and the event has proved, that they have conducted themselves with sound judgment, by not extending their issues beyond what the currency of the country requires, and can support. Thus, public confidence was restored to a degree much beyond what could have been expected.

There are in Great Britain, besides the banks of Scotland incorporated by parliament, about 400 private banks and bankers, all of whom issue notes payable on demand, which generally circulate in their neighbourhood, besides drafts or notes, payable at certain dates at banking-houses in the metropolis, and which circulate all over the kingdom. The total amount of paper thus circulated was not at all known until the bank of England published the state of its circulation subsequent to the stoppage of 1797. The best informed persons in the country rated its circulation at nearly double what it turned out to be. After such a circumstance, it would be absurd to pretend to state the circulation of individual private bankers, still less capable of being estimated.

Thus the circulation of the bank of England paper, although the most important, is not the only one in the kingdom. The establishment of most country banks is of modern date, yet there has been no material impediment, with regard to circulation, from the time of the rebellion in 1745, until that which happened by the failure of the Air bank in 1772.

That failure was accompanied with others of great extent at the same time in Holland; but it was evidently partial, and not general: the bank of England acted very wisely as well as liberally, by affording a support to those houses whose solidity was unquestionable, leaving others, which were rotten, to fall, and as they were swept away, confidence was gradually restored. The next check to commercial credit arose from the failure of a circulation established between Lancashire and London, well known in the courts of law by the case of *Gibson v. Johnson*, which has been so often tried; but although the amount was large, it moved in so narrow a line, that it produced no general effect in the country. What happened by the failure of so many private banks in the beginning of 1793, was, however, very different, far beyond any thing which preceded, or has followed it, in magnitude; it pervaded more or less every part or place in both islands, and affected every description of property.

During the interval between the failure of the Air bank and the distress of 1793, a very material change had taken place in regard to the general circulation. Banks had been established in almost every town, and even village, throughout the country; and in the larger towns rival establishments were formed. These produced a most important, and, whilst it was secure, a beneficial change to the country, by increasing its circulation; but unfortunately the principles on which those banks were mostly established were insecure, in their being compelled to invest or employ the deposit left in their hands, and thereby rendering themselves incapable of facing a sudden storm, or, as it is called, answering a run upon them, which, from natural events, must in the course of time arise. A banker in London never allows interest to his customers, and can afford to reserve a proportion of his deposits to enable him to answer sudden demands, or a run on his house, as he thereby sustains no real loss, but only diminishes the amount of his profit. The country banker is in a very different situation, for he allows interest on deposits, and therefore he cannot afford to suffer even a small sum to remain dormant and unproductive; for every rool. which he suffers to remain in that predicament is a loss of the interest which he pays his customer, and

and which interest he must get reimbursed, by investing the money before he can realize any profit for himself. Thus it will appear, that whilst the circulation was greatly increased, and its beneficial effects enjoyed by the commerce, manufactures, agriculture of the country, &c. it was founded on the most insecure principle, and liable to almost instantaneous convulsion, by unforeseen and even trifling circumstances. This might be promoted more or less by the practice of particular establishments; for if country banks, whose principals are men of large unquestionable property, should fail, the contagion will immediately spread, and the consequences are incalculable. Thus, for instance, in the beginning of the year 1793, and of 1797, the banks of Newcastle stopped payment, whilst those of Exeter and the west of England stood their ground. The partners in the banks of Newcastle were far more opulent, but their private fortunes being invested, could not be realized in time to answer a run on their banks. Their notes allowed interest to commence some months after date, and were then payable on demand, by which means they had not an hour to prepare for their discharge. The banks at Exeter, on the contrary, issued notes payable twenty days after sight, with interest to commence from the date of the note, and to cease on the day of acceptance. There can be no doubt but the practice of the banks at Newcastle is more lucrative, but it must for ever be liable to a return of what has happened, whilst the twenty days reserved at Exeter furnishes ample time to communicate with London, and to receive every degree of assistance which may be required.

Another circumstance contributed very materially to produce the distress of 1793, which was the sudden and unexpected declaration of war. That event is usually preceded by some indication which enables the commercial and monied men to make preparation. On this occasion, however, the short notice rendered the least degree of general preparation impossible. The foreign market was by this means shut up, or rendered more difficult of access to the merchant; of course he could not purchase from the manufacturer, and an important variation in the rate of exchange on the continent furnished a pretence to foreigners for withholding their remittances from both.

The manufacturers, in their distress, applied to the bankers in the country for relief, but as the want of money became general, and that want increased gradually by a general alarm, the country banks required the re-payment of old debts, being utterly incapable of increasing them, and which of course brought their own situation to the test. In this predicament, the country at large could have no other recourse but to London, and after having exhausted the bankers, that recourse finally terminated in an application to the bank of England. In the mean time the alarm in the country continued to increase. Confidence in their banks vanished. Every creditor was clamorous for payment, which he insisted should be made in gold, and which was complied with until the bankers in London were exhausted.

At first the bankers accommodated themselves to circumstances, and furnished large supplies, but could not support the daily and constant demand for guineas; and for the purpose of checking that demand, they curtailed their discounts to a point never before experienced, and which placed every part of the commerce of the country in a considerable degree of danger.

The determination of the bank was founded upon the demand which came from every quarter of the world for gold. The cause which gave rise to the demand for guineas seems attributable to the three following circumstances. 1st, As a medium of remittance to foreign parts, to supply the want of bills of exchange. 2dly, For the purpose of hoarding in the country, from a want of confidence in the government and in the circulating paper. 3dly, To enable country banks to discharge their demands, whilst confidence in the government and the bank of England remained entire.

The numerous bankruptcies that took place in 1793, have produced such a sensation, and been so much canvassed, that an account of the *first* cause, as well as the remedy, will not be useless, and cannot be unacceptable.

In the year 1792, a scheme was laid in France by mons. Claviere and the Brissotine party to drain the bank of England of specie, a matter in ordinary cases impracticable, but then founded on particular circumstances. The course of exchange between any two different

different countries is regulated in general by the balance of trade between them, because in all countries payments are made either in gold or silver, or, which is the same thing, in paper that is at will convertible into those metals.

In France the circulating medium consisted in assignats, with which all bills of exchange were paid there, but which could not be converted at will nor at any certain price into metallic money, as in other countries, or in France at other times. The relation between assignats and gold or silver, and not the commercial intercourse between the two countries, fixed the rate of exchange at that period, so that by raising or lowering the *agio* between metal and paper, those who had given cash for bills on France might be made either to lose or gain.

When mons. Claviere came the second time to the comptroller generalship, he raised and sunk the value of paper as he pleased, in the following manner.

The exchange between paper and money was carried on by porters in the open street. If it was intended to lower the price of gold and silver on any particular day, a great number of persons were sent out with sacks under their arms, to offer a high price for paper; and when a contrary effect was intended to be produced, as the Brissotines or Girondists commanded the Jacobin Club at that time, emissaries (that is a mob) were dispatched to threaten and send away the money changers. This speculation was carried on with such violence, that several of those speculators in money and paper were actually murdered on the spot by the emissaries sent against them. By this means Claviere could easily gain 10 per cent. on all drawing and redrawing, as he regulated the price of gold. The agents he sent over to England, when they drew on Paris, converted the amount into guineas, which were sent over and melted down. The bank finding this, and tracing great quantities of guineas into foreign parts, drew in, as it is called, or diminished their discounts to the London bankers, who immediately on their part diminished their credits with their country banking correspondents; and thus the bankruptcies of 1793 were brought on, and they would have been much greater had not Claviere been cramped in his operations by his colleagues, who did not compre-

hend the plan, and would not give him the 100 millions he demanded for its execution. To confirm this statement, we find Brissot, when in prison, in the following year, and about to perish, accusing the Jacobins of Robespierre's party for not allowing this operation to be carried on to a sufficient extent.

Such was the cause of the failures; the remedy applied to which is more generally known. Government created five millions of exchequer bills, which were left at the disposition of a committee, for the aid of commercial men. 3,500,000 were only issued, and the discredit ended so quickly by the bank extending its discounts, that many loans were demanded which were never accepted, and others were reimbursed before the expiration of three months, and with some small gain on the part of government.

The history of the last ten years, which has in almost every respect been unprecedented, does not contain any thing of greater importance than the effect it has had on the credit of individual commercial men; and it is to be hoped, as well as expected, that governments, as they involve the destiny of private persons by their transactions, will, on great occasions, stand forward as the British ministry did, in supporting that credit upon which national property sometimes depends, and with which it is at all times more or less connected.

When it becomes necessary to export coin for want of bills, it is a dangerous predicament for the country, and therefore every means ought to be taken to prevent it; but it is inevitable if the balance of trade be against us. It was notorious at the above time, that large quantities of gold and silver were received from France, of course none could be sent thither, as is obvious from the then course of exchange. The following calculation will serve for Amsterdam, viz,

One hundred guineas cost, with freight, insurance, and charges, - - - £. 106 13 0

Sold at f. 12 each is f. 1200 *Agio*, 100  $\frac{1}{4}$  per cent. is banco f. 1193, 11. and at the average exchange of 38, 6, from January to March 1793, is - - - £. 103 6 9

Loss, - - - £. 3 6 3



The price of guineas at Amsterdam was invariably £. 12 from January to the 12th of April 1793; but guineas were hardly ever in sufficient quantity in Holland to become an object of trade, until the British troops landed there in February 1793. The calculation for Hamburg appears still more unfavourable.

100 guineas cost with charges - £. 106 13 0

They contain in ducat gold at Hamburg 22½ ducats, at 96½ banco per ducat, is marks banco 1357, at the average exchange of 35.3 - - - 102 10 6

Loss - - - £. 4 2 6

The price of 96½ is the par for a ducat, which was about the average price for January, February, and March 1793. In this situation of foreign exchange, it was impossible that the coin of the country could have been exported in the usual course of things; individuals will not act contrary to their own interest, which operates in such cases more effectually than acts of parliament, and is in reality the only wise restriction which ought to exist in a country so much dependant on its trade. Individuals must pay freight, insurance, brokerage, and some other small expences, in addition to the loss on the price. The export of foreign gold and silver ought always to be free, and the bank ought to supply the demand whenever it shall arise, under a certainty that the export will produce a beneficial effect on the course of exchange, and thereby insure its return (provided the balance of trade is in our favour) with additional profit. If the balance be against us, whether arising from the deficiency of our trade, or as the result of subsidies paid to foreign powers, that balance must be liquidated by gold or silver; and if there be not sufficient foreign bullion in the country for the purpose, guineas must and will be sent, or bank-notes will be reduced to an enormous discount. It is in vain to prohibit what cannot be prevented; the severest law will only tend to throw that profit into the pocket of the smuggler, that would otherwise belong to the fair trader.

We should distinguish, however, between that drain which is the result of a balance against the country, and the forced operations for temporary purposes,

which government, with the aid of the bank of England, can more or less prevent. Thus, for instance, at the commencement of the French revolution, the comptroller-general endeavoured to draw silver from hence, and from other places, to serve temporary purposes at Paris, which the British minister stopped. If his object had been to benefit this country, or to distress the finances of France, he ought to have encouraged and promoted such operations; or, which would have been more effectual, he ought to have remained a silent spectator. Such was the state of exchange at the time, that each transaction cost twelve and a half per cent.; and as those operations could have been performed four, five, perhaps six times in the course of a year, the benefit to this country, and the loss to France, could only have been limited by the extent of the powers of the latter, and which must in time have been exhausted, when 100l. sent from hence in silver shall be found to return in two, or at most in three months, with an addition of 12l. 10s. for profit. Such transactions would have produced a real effect, without the aid of acts of parliament, or the hand of power, whilst the superficial speculations on the consequences of the assignments and mandates of France quickly vanished in smoke.

To the charter of the bank of England this country is indebted in a high degree for the prosperity she has enjoyed; and to a clause in that charter, which prohibits any other establishment of a similar description, we may look as to a shield to protect us against projects such as those of the South Sea, Mississippi, the Air bank, &c. &c. It ought to prove a decisive answer to those who have suggested an increase of paper, by means of a new bank, that the bank of England can and must issue to the full extent which the circulation of the country can support with safety, for their charter obliges them, and it is their interest so to do. A new establishment of the same sort might be a dangerous experiment: the paper of one, perhaps of both banks, might suffer a depreciation, and cease to circulate at par, and consequently to serve as a circulating medium. A difficulty arises from the consequences which result from the two extremes. In the case of too great an excess, depreciation and distress will inevitably follow; but if too much curtailed, the exertion and industry of the

country will be chilled or paralyzed, and its growing prosperity thereby prevented. The bank of England, from their central position, are most fortunately placed to form a correct judgment on this subject, and the amount of their notes in circulation will constitute a perfect barometer, resulting from long experience and practice.

The tranquillity, confidence, and general prosperity which succeeded the distress of 1793, continued through the years 1794, 1795, and part of 1796; but money again became scarce towards the end of that year, and the specie payments of the bank of England were suspended in the beginning of 1797, by the advice of the privy council. This very sudden transition from plenty to scarcity, from scarcity to distress, could arise from no common cause. Indeed, all convulsions in the circulation and commerce of every country must originate in the operations of the government, or in the mistaken views and erroneous measures of those possessing the power of influencing credit and circulation; for they are not otherwise susceptible of convulsion, and if left to themselves, they will find their own level, and flow nearly in one uniform stream.

The scarcity of guineas which took place towards the end of 1796, seems to have been in consequence of the increased amount of foreign subsidies and remittances to the continent for the public account. These had increased beyond the capacity of the current circulating paper to supply, and therefore could not be absorbed in the course of the year by the means of the balance of trade, but must be liquidated by gold and silver alone. At first, and indeed for many months, the bank acted in such a manner as to satisfy the public, and to keep the country quiet; but the demand for guineas must have been enormous. This will easily be understood, by a calculation of the profit to be obtained on exporting them to Hamburg, in the months of January, February, and March, 1796. The price of gold abroad had advanced to 99½ per ducat, which for 100 guineas makes 1402—12 marks banco, and at the average exchange of those months, 32.3 is £. 115 9 9 Deduct the cost, as before - - 106 13 0

Profit - - - - - 8 16 9

But as this was the highest price, it may be proper to quote the average of each month in 1796.

	Exchange in London.	Price of gold at Hamburg.	Produce at Exchange.	Profit.
In January	31.8	97½	34.2	7½
February	32.8	99½	34.10	6½
March	31.11	99	34.8½	8½

With such documents in the possession of every foreign merchant, it is easy to see that there must have existed some forced and unusual operation, by which the country was drained of its bullion and coin, beyond a possibility of continuing for any length of time; and this drain was in a great degree the imperial loan, aided by some other collateral circumstances.

As the public attention was particularly drawn to the imperial loan at the time, and as it formed the prominent feature in the remonstrances from the bank, it has been considered as the sole cause of the general embarrassment. But it was the magnitude of the sum, not the description of service, which created the difficulty. It must be indifferent to the country, if bullion is to be exported, to what service it is meant to be applied; but it is of infinite importance to know, whether the magnitude of the sum will exceed or fall short of the balance of our trade: and whether money so exported shall be applied to the payment of the British troops in Germany, for the foreign expenditure of fleets in the Mediterranean or Lisbon, or whether it shall be for an imperial loan or foreign subsidies, is exactly the same to the country; for whilst the balance of trade is favourable, the money will return.

It must not, however, be understood that foreign loans or foreign expenditures are subjects of indifference to the country; they are no doubt clear unequivocal losses, which the calamity of war has invariably produced. It is therefore most ardently to be wished that there should be no occasion for the exportation of bullion; but, during war, one of the most essential services that commerce can render for the aid and assistance of the public, is to furnish, from that treasure which the balance of trade has contributed to accumulate during peace, the gold and silver

silver which the exertions and exigencies of the state during war, shall require for the operations abroad during the war. It is by such means alone that the political and commercial powers have formed a combination of strength, both for offensive and defensive operations, which has astonished all Europe, although they have not always produced their proper effect. It was therefore not the nature or description of service which rendered the imperial loan so injurious; but so many drains acting at one time on the bullion of the country, of necessity produced the pernicious consequences. The alarm of the bank, and their remonstrances, were well founded, and their situation, if such operations had continued, was pregnant with real danger. They had struggled through the year 1796, and would certainly have surmounted every difficulty, as any further imperial loan had been abandoned, and the foreign exchange was turning in favour of the country, when an event happened which was decisive on the fate of the bank. This was the general rumour of a French invasion, which was confirmed in the minds of many, by the landing of a handful of French troops in Wales. This occasioned a panic, which gave rise to an immediate demand for money, to which neither gold nor silver bullion could be applied, as nothing would be accepted but the circulating coin of the kingdom. Persons of almost every description caught the alarm: tradesmen, mechanics, and particularly women and opulent farmers in the country, wanted guineas for the sole purpose of hording. In 1793, when confidence in the notes of country banks, and in every other description of paper, had vanished, those of the bank of England circulated with the utmost freedom, and without the slightest hesitation or doubt. But on this occasion bank-notes at first were considered almost as waste paper, so that it was impossible to satisfy the timid and ignorant with any other payment but guineas.

If this event had happened before the bank had been drained for foreign services, it might have produced a demand, which could have been supplied and parried with success, by means of their usual deposits, under a persuasion that the cause would soon be removed, on finding that the attempt on the part of the French was not supported. But it came at a

moment when their stock of guineas was already too low, and rendered the measure to which they adverted indispensable. The demand for guineas soon ceased, not because the desire of obtaining them had abated, but because the bankers and merchants united firmly to support the bank on their refusal to issue guineas, and to accept of their notes, in a voluntary manner, as a circulating medium. The cause of the calamity originated in those drains, which had previously existed, to supply the foreign loans and foreign services, on behalf of government, and which had never been properly combined with the capacity which the country possessed of supplying them; but what produced the crisis was the landing of the French troops. The timidity which appeared in many very sensible men on that occasion was surprising, since they must have known the impossibility of obtaining a sum in guineas in any degree proportionate to their property, as every person had an equal right to be supplied, and would hoard as well as themselves. Whatever sum they could obtain (as property, from its nature, cannot be entirely converted, but is more or less fixed or immovable) would serve only for a short time, when their general property must serve at last for a purpose to which it is equally applicable from the first, namely, that of exchange or barter. If a foreign enemy could possibly land with an irresistible force, if the bank of England were annihilated, if the debt followed its fate, accompanied by general confusion, some order of things must either continue to exist, or soon be re-established. The circulating paper cannot entirely be destroyed; it must, in every event, preserve a certain value, unless it be in too great a quantity; in the first place it must liquidate, and at par, a large mass of engagements by a mutual exchange, as those who hold a large sum in paper have generally a large sum to pay. The balance which results after such liquidation will stand, however, in a very different predicament, and depends altogether on circumstances, but appears in such numerous intricate points of view, as to render a discussion very difficult. Those balances, however, even viewing them in their worst light, cannot be considered as of no value. Property must always exist under every government, and cannot be annihilated; its nominal value may vary considerably,

but its comparative value, although liable to be affected for a time by accidental circumstances, will in the end return nearly to what it was. The comparative advantages, therefore, of any one description over another, is at least dubious, and opens a wide field for opinion; it depends, in a great degree, upon the magnitude or value of such property.

Under every situation of convulsion or invasion, most of the gold and silver would disappear, and something must be substituted. In such a predicament, what substance can equal the paper of the bank of England, the extent being so moderate compared to the circulation of the country, and issuing totally independent of the government? It would even be for the interest of an invading enemy to support a bank so established, for by destroying it, they would deprive themselves of the means of drawing from it any advantage. When the French took possession of Amsterdam, they were wise enough not to touch the bank; and bank-money at Amsterdam is worth more since that invasion than it was before. It was, therefore, not impossible, but that even in such an event as is now stated by way of supposition, paper of this description, instead of being the worst, would prove the best security in which property could be invested. At all events a wheat-stack may be consumed by fire, and the whole of the capital lost, but something must attach to a bank-note in the worst of times, so long as the independence of the bank on government shall be preserved, and that their notes in circulation do not much exceed the sum stated by the directors to parliament, on the 25th day of February 1797, which then amounted only to eight million and a half.

The alarming situation of the bank abovementioned was quickly removed in consequence of the very high course of exchange with Hamburg, which soon followed, and produced a prodigious influx of gold and silver, so that the panic subsided, and confidence was generally restored. In this pleasing state of things, it only remains to consider the effects of the temporary indemnity bill, which empowers the bank of England to retain its gold, to issue notes without restriction, and makes, as far as relates to their corporate capacity, their own notes a legal tender.

On this subject, Sir Francis Baring observes as

follows:—"I am aware of all the objections which can be urged against the making paper of any description a legal tender, and I should have been forward in opposition to every such plan or proposal, if the bank had not stopped payment. But though we have suffered the disgrace, no serious consequences have arisen; yet if the same disgrace shall happen a second time, we may not be equally fortunate with regard to the consequences. I desire, however, to be understood, that I do not recommend government paper of any description as a circulating medium between that and the paper of a corporate, independent, responsible company; there is a wide difference, a long interval indeed. The exchequer bills issued by the government can never circulate, and never will be taken as a medium, because the public can never rely on the amount being confined within proper bounds. So long as they are paid, or can be absorbed in the revenue soon after they become due, they are of use to the executive government, and a benefit to the public. But when the amount exceeds the means of liquidation, they become a dead weight, and clog every channel of the general circulation in such a manner, as to compel the minister to reduce them again within proper bounds. If this were not the case, exchequer bills and assignats would be synonymous terms, and ultimately experience the same fate. The assignats were issued originally under a plan and promise for their gradual extinction; but when it was found that they continued to issue to an amount far beyond what was extinguished, the discount bore a proportion to that amount, and finally swallowed up the principal. We were at one time induced to suppose, that the destruction of assignats in France was necessary for the salvation of Europe. But if the intention of this country was to distress France by every possible means, we ought to have used every endeavour to encourage and support the assignats in France, because they would have entailed an enormous debt on that country, for which taxes must have been imposed sooner or later to defray the interest. What a situation the two countries would have been in if peace could have been made, leaving the assignats in existence, with a discount of 70 or 80 per cent. thereby entailing upon the country the necessity of imposing taxes sufficient



to pay the interest, and of course augmenting the price of labour in a proportionate degree. At present the debt of France is trifling, and the taxes scarcely affect the price of labour, whilst our own taxes, for the purpose of defraying the interest alone, amount to upwards of 30s. for every head, and which for every labourer, who generally pays for many others besides himself, cannot be less than three or four times that sum.

"Amongst many other expedients to promote the circulation of assignats in France, when they bore a large discount, one was to fix the price of provisions, every article at which the seller should be compelled to receive those assignats in payment, and which was called the law of the maximum. So long as the real discount on the assignats bore a tolerable proportion to the maximum price fixed on the provisions, all went on smooth and well, but when the discount advanced, the provisions disappeared, which was the chief cause of the distress and famine that then prevailed in that country. The same fate will infallibly attend all government paper, or paper of any description, whether exchequer bills or bank notes, which may be issued beyond a capacity in the circulation of the country to receive at par. Not even the system of Robespierre could induce the farmers or graziers to sell corn and meat at the nominal price of the assignats; in a very short time, notwithstanding the terror of the guillotine, two prices were established by universal practice, the one for money, the other for assignats; the interval, however, had been dreadful, having produced real distress and famine. Let not the policy of this country fall into similar mistakes: if the government shall repose so much confidence in the bank of England, as to continue the present indemnity bill, it seems reasonable that the bank should be restrained and limited in the amount for which their notes shall be issued, as a security to the public with regard to the ability of the company afterwards to pay them, and also to prevent their becoming, either directly or indirectly, the means of introducing government paper as the circulating medium of the country. But if they are not thus restricted, and having besides the privilege of making their notes a legal tender for themselves, it seems to follow, in point of justice, that du-

ring the continuance of this indulgence, the same privilege should be allowed to the community at large, by making bank notes a general legal tender. The gentlemen in the profession of the law are very naturally against making them a legal tender, which is not surprising, since it is a principle abhorrent to the constitution of the country, and which nothing but absolute necessity can justify. The question, however, is not whether we shall do that which in itself is most desirable and right, for something stronger than opinion has already decided the point; but whether the public are disposed from motives of prudence and foresight, to take the only actual measures to prevent a return of those convulsions to circulation and commercial credit, which may possibly arise from the circumstances already described; and in this case it should be considered, whether the making bank notes a general tender for a time, and limiting the amount, is not better security for the public against abuse and danger, than to suffer the bank to remain with an exclusive protection, and a power to issue notes without limitation."

Upon the whole, it seems peculiarly unjust, that by the indemnity act the governor and company of the bank of England should have the privilege of making their own notes a legal tender, and of paying them instead of gold to their creditors, and to every individual who receives payment at the bank; because, although a person is obliged to receive these notes instead of money at the bank, yet as they are not made a general legal tender, no one is obliged to receive them from him; so that with thousands in his pocket, his goods may be taken in execution, and himself committed to gaol, if his creditor do not choose to take bank notes in liquidation of the debt. But it is devoutly to be hoped that the indemnity bill will not be persisted in, but that the bank of England will continue its payments in sterling gold; and that the necessity of making paper a legal tender in any case will be thus superseded and done away. For since we have obtained a permanent peace, we may look forward to more auspicious times, when our commerce, no longer employed in the instrument of war, shall serve to extend our friendly and beneficial intercourse with mankind; and when our credit, established on its firmest foundations, peace, economy,

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and liberty, shall secure to Great Britain that dignified respect and honour which will again elevate her to the state of being the most envied nation in the world.

As the bank of England never makes any advances either to government or to individuals, without holding a security that insures repayment within a limited time, and that never very distant, any thing like a serious run upon it is impossible. To illustrate this we must have recourse to hypothesis, and suppose that a general panic or discredit rose to such a height, as to incline all those who could, to realize their notes in gold. The case would be thus :

In every nation there are two sets of monied people, the one engaged in business, and only receiving money in order to pay it away again. There are another set who hoard or keep unemployed a part of their capital, and who have a certain sort of enjoyment in the possession of ready money, by means of which they have the feeling that they can supply their wants at any time.

In addition to those two classes of monied persons comes that portion of the public at large to whom money only comes in sufficient quantity to purchase what is expended in the course of living.

To the first and last classes bank paper is, so long as it passes at all, equally good as metallic money; to the other class, that has the disposition to hoard, gold and silver are preferable.

In this commercial and manufacturing country the class of monied people who wish to hoard is exceedingly small; and as experience has proved that stock in the three per cent. consols is realisable at a few hours notice at any time, the quantity of guineas wanted for the purpose of those hoarders is very inconsiderable indeed.

The wishes of the miserly class operate in a run upon the bank at a time of discredit; but the wants of the other two classes require that notes should remain in circulation; so that a constant action and re-action takes place that will, in every case in this country, soon put a stop to the run upon the bank.

Suppose the bank has in circulation 15,000,000 in notes, and only 3,000,000 in specie in its coffers, and that a run begins, then the bank, in its self-defence, will

refuse further discounts to merchants or advances to government; so that every day will decrease the quantity of paper in circulation. One-half at least of the paper out at any time is issued on securities that return in two months, one-third of it at least being in discounts to merchants, and all under two months. Seven millions and a half will then come in, in about seven weeks and a half; suppose (to save fractions) one million a week, or 143,000l. every day, Sunday included. Suppose that during the same period the bank pays 157,000l. a day in cash, which would keep the tellers very seriously occupied, then 300,000l. of paper would return every day, except Sunday, when 143 only would come in. This would make in 20 days a diminution of six millions, before which time the trading part of the nation would find there was not enough of paper to serve for the usual purposes; bank notes would then become a commodity in demand; they would be all employed; and the holders must find some other mode of collecting gold than by going with notes to the bank of England.

In France, which never was a commercial country, proprietors of public stock could not always realise their effects; the class of hoarders was great in comparison to the other two classes. A run on a bank there was natural and unavoidable in cases of discredit; add to which, the quantity of specie in circulation was sufficient for the business of the day without the aid of paper, which at the best of times only circulated in the metropolis itself.

Having seen in our own days repeatedly this discredit and run upon a bank at Paris which was in itself solvent; having seen private banks in this country liable to the same ruinous event; it is natural enough to suppose that the bank of England partakes of the danger to which so many other establishments of the same sort are liable; but though this opinion be natural it is unfounded. No panic, no discredit can ruin the bank of England. Nothing less than a disaster attending the government, and a suspension of the revenues of the country, can bring on its destruction; it is therefore to be hoped that those useless fits of uneasiness which we have sometimes witnessed, will never more take place, as they arise only from a total ignorance of circumstances, and the nature of the business.

While it is evident that the bank is entitled to the full confidence of persons of all descriptions, and they are solicited to avoid an useless panic and unfounded mistrust, it is to be hoped also that the bank will act on all occasions with liberality to commercial men, and repose in them that confidence which they merit, and which, when occasionally withdrawn, has been attended with the most disastrous consequences.

Until after the suspension of specie payments in February 1797, the quantity of paper issued by the bank was kept a profound secret; but it has since been published, to the no small credit of the bank.

The issues in 1800 were as follow:

From	Mts of sl and above.	Notes of 1l and 1/2s.	Total.
	£.	£.	£.
25th Oct. to 25th Nov. 1800.	13,816,700	2,061,700	15,878,400
25th Nov. to 25th Dec.	13,135,500	2,148,700	15,284,200
25th Nov. to 25th Jan. 1801.	13,345,800	2,519,400	15,865,200

Since the bank made its payments in paper, the credit of the country, and of that establishment, has increased, which is a great and unanswerable argument in favour of publicity, *where there is good management at the bottom*. Had not the accounts been made publicly known, the whole of the inconveniency and evil arising from the high price of provisions would have been attributed to the increased circulation of the bank; but as matters stand, that is impossible, as the one and two pound notes scarcely supply the place of the gold which used to circulate, and which has disappeared since their emission.

The *charter of the bank of England*, granted by William and Mary, in the year 1695, is as follows:

The corporation, or body politic and corporate, established under the name of the Governor and Company of the Bank of England, is empowered to buy and sell manors, lands, &c. and all sorts of goods and chattels not particularly excepted in said charter, also to sell, alienate, and dispose of the same. They may sue, implead, be sued or impleaded, answer and defend, in the same manner as any other corporate body. They shall have a common seal, and have power to alter and renew it as they may think proper. The stock of the company, consisting of 1,200,000. to be reputed and esteemed the common capital and

principal stock of the corporation, in which each subscriber shall have a share, in proportion to the sum or sums subscribed. The first governor, deputy-governor, and twenty-four directors, chosen by a majority of stockholders, not being possessed individually of less than 500l. stock each, are then nominated until the 25th day of March 1696; and it is made lawful for the company to assemble for the choice of a governor, deputy-governor, and directors, and to make bye-laws, ordinances, rules, orders, and directions for the government of the said corporation, and for any other business concerning it, on giving public notice, affixed on the Royal Exchange, twelve days at least previous to the said meeting.

The members present to form a general court. Provisions are then made in case of death, and for calling and regulating the meetings, for the purpose of annual elections, &c. each voter being constantly under the obligation of swearing to the *bona fide* and actual possession at the time of 500l. or more of said stock, limiting each to one vote only, whatever greater share of stock he or they may hold. The governor must have 4000l. stock, and the deputy-governor 3000l. and be British born subjects, or naturalized; the whole body of directors being chosen from such proprietors as are British subjects, and hold each at least 2000l. stock. On selling any portion of stock after election, so as to reduce the actual portion held to less than would qualify as above, the place of governor, deputy-governor, or director is to be vacated, and others to be chosen in their place. All persons elected must previously have taken the oaths appointed by an act for abrogating of the oaths of supremacy and allegiance, and for appointing other oaths, and also an oath declaratory of his holding the quantity of stock regulated as aforesaid; and, after his election, every governor, deputy-governor, or director, must take an oath to preserve the privileges and liberties of the bank, defend its interests, and promote its prosperity, to the best of his power and understanding. The said oaths to be administered by the lord chancellor of England, chancellor of the exchequer, lord chief baron of the exchequer, or by the preceding governor or deputy-governor. The individual stockholders are, previous to their voting on an election or general question, to take the oaths required in the

act for abrogating the oaths of supremacy and allegiance, and appointing other oaths. This they are to do in presence of the governor or deputy-governor, who are empowered by the charter to administer the same. The individual voter must also swear to act according to the best of his understanding, and in every general court to forward the interests of the corporation. The governor and directors are furthermore authorized to administer an oath to all inferior agents or servants, to the purport of their faithful discharge of duty in their respective places. The term of ten days after the election to be allowed for taking the aforesaid oaths, but no longer.

It is next ordained, that no dividend shall be made, except out of sums arising from lawful commerce carried on by said corporation, or the interest of money lent to government; nor can it be done without the previous consent of a general court of proprietors.

There are to be four general courts held annually, viz. in April, July, September, and December, which are to be called by the governor, or, in his absence, by the deputy-governor; and in case of a failure of holding the said courts, by the default of the governor or deputy-governor, any three or more directors may call a general court to be held the ensuing month. And it is farther ordered, that on the demand or requisition of any nine stockholders, having votes, the governor or deputy-governor shall call a general court; and in case of default of the governor or deputy-governor, the said nine members may call such general court themselves, by affixing ten days notice in writing on the Royal Exchange; which general court shall be competent to hear and dispatch any business relative to the affairs of the corporation, and to hear and debate any complaints that shall or may be made against the governor, deputy-governor, directors, or any of them, for mismanagement; and if the person or persons so accused do not clear himself or themselves of such accusation to the satisfaction of a majority of the court, that then another court shall be held, in ten days more, in order finally to determine the same by a majority of votes, and which may displace the said governor, deputy-governor, or directors, for such misdemeanors or abuse of office, and choose others in their place.

In case of death, or the office of a governor, &c. becoming void, then a general court to be called for the purpose of naming a successor, who shall remain in office till the next ensuing general election.

The governor, deputy-governor, and directors, or thirteen of them, of which the governor or deputy must always be one, may, from time to time, meet at any convenient place, and as often as they see cause, to manage the affairs of the corporation, or to call general courts; and in such cases they are to act according to such bye-laws, constitutions, orders, rules, or directions as shall, from time to time, have been made by the general court; and where such rules, orders, or bye-laws are wanting, they are to direct and manage the business of the corporation in borrowing and receiving money, giving security for the same under the common seal, and in their dealing in bills of exchange, goods, wares, or merchandizes whatsoever, as shall really and *bona fide* be left or deposited with the said corporation for money lent or advanced thereon, and which shall not be redeemed at the time agreed, or within three months after, or in selling such goods as shall be the produce of lands purchased by the said corporation, or in the lending or advancing of the monies of the said corporation, and taking pawns or other securities for the same, and to choose or appoint agents, servants, &c. subject, nevertheless, to such restrictions, limitations, &c. as are in that case ordained.

The method of making transfers is next established, whether personally, or by warrant of attorney. It is provided also, that any person holding stock may dispose of or devise the same by his last will or testament, witnessed by three or more credible witnesses; but the devisee cannot transfer the same, or be entitled to receive any dividend, until an entry or memorandum of so much of the said will as relates to the said stock shall have been made in the book or books to be kept for that purpose.

The governor or deputy-governor to have no vote, except where there is an equality, either in a general court, or court of directors. Provided, nevertheless, that all things which the governor, or deputy governor, or directors shall, in manner as aforesaid, order and direct to be done by such committees, or other persons under them, shall and may be done by such



persons so appointed. It is then declared, that the most favourable construction for the said corporation of the bank shall be put upon every thing contained in said letters patent, notwithstanding any defect, non-recital, &c. that may be therein. A promise then follows by the sovereign for his heirs, &c. to grant whatever they lawfully may, and as may be reasonably advised and devised by counsel learned in the law on the part of the bank, and as shall be approved of by the attorney and solicitor general for the time being.

By writ of privy seal, 27th July 1695.

*Method of opening an account with the bank of England.* Accounts opened at the bank are either

1. Cash accounts, or
2. Discount accounts, for the purpose of discounting only.

To open the former, application must be made to the chief clerk of the drawing office in the hall, who will deliver a book, on the parties paying in 500*l.*, being the lowest sum with which an account can be opened.

To open the latter account, application must be made to a director, in order to its being laid before the court of directors for their approbation.

When approved of, the account is raised in the same manner as the cash account, by application to the chief clerk of the drawing office, where the signature or signatures are taken in a book kept for the purpose, where also the accounts are kept, and, when required, powers of attorney are granted, to enable persons to act for their principals.

The chief clerk of the drawing office then gives the party a book, wherein the said account is opened. This book the party keeps in his possession, and also receives a quantity of checks, on which he draws out such sums as he occasionally requires.

In the books, different columns are appropriated for the entries of *cash paid*, *cash received*, and also for the entries of *bills deposited* in the bill office until due, which when received are passed forward in the party's book.

To pay *cash* into the bank, take it with the book to one of the tellers, who gives a voucher to the drawing office, and it will be immediately entered to your credit; and when you have occasion to pay, draw the sum wanted upon one of the checks in the following manner:

Jan. 7th, 1803.

To the cashiers of the bank of England.  
Pay to John Doe, or bearer, one hundred pounds.  
£.100 A. B. C.

This is immediately complied with, and the account debited accordingly in the bank books.

When you wish to have your accounts examined, carry the book and leave it in the accountant's office, where all drafts paid are written off the bank book, and returned cancelled to the drawer.

No money will be paid either to yourself or order without such a *check* or *draft*, or a *write-off*, which is a printed slip of paper, with a blank for the sum. These slips are always hung up with pens and ink, at a desk in the great hall, and are filled up as follows:

Jan. 7th, 1803.

Write off from my (*or our*) bank book the sum of one hundred pounds.

£.100 A. B. C.

Upon delivering the same with your book to one of the clerks of the drawing office, he writes off the sum required, and gives money or notes thereon, reserving the write-off as a voucher.

Bills payable in London, which are intended to be received, should be indorsed and taken with the book to the bill office, where they are written in short; these are allowed in the bank book so left, the day after they are paid. The charges of noting and protesting are paid to the clerks of the bill office; the bills dishonoured are returned by them.

If it be intended that the bank shall pay any bills that are drawn upon you, accept them payable at the bank; and before they become due an order must be addressed to the cashiers of the bank to pay the same when due, which order is a short abstract of a *bill book*, specifying by whom drawn, to whom payable, the amount, and day when due, which order must be signed by the acceptors, in the same manner as if it were a draft for cash.

No bill can be discounted for less than 100*l.*; but there is no limit to their amount, provided the directors are satisfied of the responsibility of the drawers, acceptors, and indorsers. No bills at a longer date than two months are discounted.

Bills intended for discount are to be sent to the discount office, with a list of the same, containing

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the names on whom drawn, the day when due, and sum, subscribed by the person or persons who send them in to be discounted.

The chief clerk of the discount office lays the bills before the committee, who either allow or reject the same without assigning any cause. In the former case the money is paid immediately, with a deduction of the discount, by application to the drawing office.

The bank will receive by way of deposit from any of their customers *bullion, jewels*, or other effects which are not bulky, and take care of them till they are called for. But no receipt will be given for them, nor will the bank be responsible for their security, as they do not make any charge for the attendance of their clerks, either at the receipt, delivery, or for the deposit.

Articles so deposited are sealed and ticketed with the names of the owners, who may have them returned in the same state as delivered.

No person is obliged to pay a personal attendance for any transaction with the bank, opening accounts excepted; but may send another with the book of entries, &c. and the business of every person is dispatched in his turn.

Exclusive of discounting bills the bank will advance money on government securities, or on a deposit of foreign specie or bullion; they will likewise purchase gold and silver bullion (after assaying), Spanish dollars, &c.

**BANK of AMSTERDAM.** Previous to the year 1609 the great quantity of clipp and worn foreign coin, which the extensive trade of Amsterdam brought from all parts of Europe, reduced the value of its currency about nine per cent. below that of good money fresh from the mint. The new money no sooner appeared than it was melted down and carried away, as it always will be in similar cases; so that a sufficient quantity of good money to pay bills of exchange, and perform the other operations of commerce, was wanting; and the value of those bills, in spite of several regulations made to prevent it, became in a great measure uncertain. To remedy this inconvenience, a bank was established in 1609, under the guarantee of the city. The bank received both foreign coin and the light and worn coin of the country, at its real and intrinsic value, according to the

good standard money of the country, deducting only so much as was necessary for defraying the expence of coinage and management. For the value which remained, after this small deduction was made, it gave a credit in its books. This credit was called *bank money*, which, as it implied or expressed money newly coined according to the standard of the mint, was always of the same real value, and intrinsically worth more than current money. It was at the same time enacted, that all bills drawn upon or negotiated at Amsterdam, of the value of 600 guilders and upwards, should be paid in bank money. Every merchant, in consequence of this regulation, was obliged to keep an account with the bank, in order to pay his foreign bills of exchange, which necessarily occasioned a certain demand for bank money.

Bank money, over and above its fixed intrinsic value, has likewise several other advantages: it is secure from loss by fire, robbery, or other like accidents; the city of Amsterdam is security for its payment; it can be paid away to any amount by a simple transfer, without the trouble of counting, or the risk of transporting it from one place to another. In consequence of those different advantages, it seems from the beginning to have borne an *agio*; and it is generally believed that all the money originally deposited in the bank was allowed to remain there, nobody caring to demand payment of a debt which he could sell for a premium in the market. Besides this, money could not be brought from those coffers without previously paying for keeping it. Those deposits of coin, or which the bank was bound to restore in coin, constituted the original capital of the bank, or the whole value of what is represented by bank money. At present they are supposed to constitute but a very small part of it. To facilitate the trade in bullion, the bank has been for many years in the practice of giving credit in its books upon deposits of gold and silver bullion: this credit is generally about five per cent. below the mint price of such bullion. The bank grants, at the same time, what is called a receipt, entitling the person who makes the deposit, or the bearer, to take out the bullion again at any time within six months, upon re-transferring to the bank a quantity of bank money equal to that for which credit had been given in the transfer books.

What

What is thus paid for the keeping of the deposit, may be considered as a sort of warehouse-rent, and is higher for gold than for silver; because the fineness of gold being more difficult to be ascertained than that of silver, frauds are more easily practised, and occasion a greater loss in the more precious material. Silver besides being the standard measure, the state wishes to give more encouragement to the making deposits of it than of gold.

Deposits of bullion are most commonly made when the price is lower than ordinary; and they are taken out again when it happens to rise. In Holland the market price of bullion is generally above the mint price. The difference is said to be commonly from about six to sixteen stivers upon the mark, or eight ounces of silver of eleven parts fine and one part alloy: the bank price, or the credit which the bank gives for deposits of such silver (when made in foreign coin, of which the fineness is well known and ascertained, such as Mexico dollars), is 22 guilders the mark. The proportions between the bank price, the mint price, and the market price, of gold bullion, are nearly the same. A person can generally sell his receipt for the difference between the mint price of bullion and the market price. A receipt for bullion is almost always worth something; and it very seldom happens, therefore, that any one suffers his receipt to expire, or allows his bullion to become forfeited to the bank at the price at which it had been received, either by not taking it out before the end of the six months, or by neglecting to pay the quarter or half per cent. due, and which must be paid, in order to obtain a new receipt for another six months. The person who, by taking a deposit of bullion, obtains both a bank credit and a receipt, pays his bills of exchange as they become due with his bank credit; and either sells or keeps his receipt, according as he judges the price of bullion is likely to rise or fall. The owners of bank credit, and the holders of receipts, constitute two different sorts of creditors against the bank: the holder of a receipt cannot draw out the bullion for which it is granted without re-assigning to the bank a sum of bank money equal to the price at which the bullion had been received. If he has no bank money of his own, he must purchase it of those who have it. The owner of bank

money cannot draw bullion without producing to the bank receipts for the quantity which he wants. If he had none of his own, he must buy them. The holder of a receipt when he purchases bank money, purchases the power of taking out a quantity of bullion, of which the mint price is five per cent. above the bank price. The agio of five per cent. therefore, which he commonly pays for it, is paid, not for an imaginary, but for a real value. The owner of bank money, when he purchases a receipt, purchases the power of taking out a quantity of bullion, the market price of which is commonly from two to three per cent. above the mint price: the price which he pays for it, therefore, is paid likewise for a real value; the price of the receipt, and the price of the bank money, make up between them the full value or price of the bullion.

Upon deposits of the coin current in the country, the bank grants receipts likewise, as well as bank credits; but those receipts are frequently of no value, and will bring no price in the market; upon ducatoons, for example, which in currency pass for three guilders only, or five per cent. below their current value. It grants a receipt likewise, entitling the bearer to take out the number of ducatoons deposited at any time within six months, upon paying a quarter per cent. for the keeping them.

Three guilders bank-money generally sell in the market for three guilders three stivers, the full value of the ducatoons. Before they can be taken out, a quarter per cent. must be paid for the keeping, which would be more loss to the holder of the receipt. If the agio of the bank however should at any time fall to three per cent. such receipt might bring some price in the market, and might sell for one and three quarters per cent. But the agio of the bank being generally about five per cent. such receipts are frequently allowed to expire, or, as they express it, "*to fall to the bank.*"

The sum of bank-money for which the receipts are expired must be very considerable; but the proportion which it bears to the whole mass of bank-money is supposed to be very small. The bank of Amsterdam has for many years past been the great warehouse of Europe for bullion. The far greater part of the bank-money, or of the credits upon the books of the bank, is supposed to have been created

for these many years past by such deposits as the dealers in bullion are continually both making and withdrawing.

No demand can be made upon the bank but by means of a receipt. The smaller portion of bank-money, for which the receipts are expired, is mixed and confounded with the greater mass for which there are no receipts. There is no specific sum or portion of it, which may not at any time be demanded by the receipt holders. The bank cannot be debtor to two persons for the same thing; and the owner of bank-money who has no receipt, cannot demand payment of the bank till he buys one. In ordinary and quiet times he can find no difficulty in getting one to buy at the market price, which generally corresponds with the price he can get for the coin or bullion it entitles him to take out of the bank. On such emergencies, the bank, it is supposed, will deviate from its ordinary rule of making payments only to the holders of receipts. The holders of receipts, who had no bank-money, must have received within two or three per cent. of the value of the deposit for which their respective receipts had been granted. The bank therefore, it is said, would in this case not hesitate to pay either with money or bullion the full value of what the owners of bank-money, who could get no receipts, were credited for in its books, paying at the same time two or three per cent. to such holders of receipts as had no bank-money, that being the whole value which, in this state of things, could justly be supposed due to them. Even in peaceable and quiet times, it is the interest of the holders of receipts to depress the agio, in order to buy bank-money, and consequently bullion, which their receipts would then enable them to take out of the bank so much cheaper, or to sell their receipts to those who have bank-money, and who want to take out bullion so much dearer; the price of a receipt being generally equal to the difference of the market price of bank-money, and that of the coin or bullion for which the receipt had been granted. It is the interest of the owners of bank-money, on the contrary, to raise the agio, in order either to sell their bank-money so much dearer, or to buy a receipt so much cheaper. To prevent the stock-jobbing operations which these opposite interests might sometimes occa-

sion, the bank, some years ago, came to a resolution to sell at all times bank-money for currency at five per cent. agio, and to buy it again at five per cent. In consequence of this resolution, the agio can never either rise above five, or sink below four per cent.; and the proportion between the market price of the bank and that of the agio is at all times very near to the proportion between their intrinsic values. Before this resolution was taken, the market price of money used sometimes to rise as high as nine per cent. agio, and sometimes to sink so low as par, according as opposite interests happened to influence the market.

The bank of Amsterdam professes to lend out no part of what is deposited with it, but for every guilder for which it gives credit in its books, to keep in its repositories the value of a guilder either in money or bullion. At Amsterdam, however, no part of faith is better established, than that for every guilder circulated as bank-money there is a correspondent guilder in gold or silver to be found in the treasury of the bank. The city is guarantee that it shall be so; the bank is under the direction of the four reigning burgo-masters, who are changed every year. Each new set of burgo-masters visits the treasury, compares it with the books, receives it upon oath, and delivers it over with the same awful solemnity to those newly elected directors which succeed.

Amidst all the revolutions which faction has ever occasioned in the government of Amsterdam, the prevailing party have at no time accused their predecessors of infidelity in the administration of the bank. No accusation could have affected more deeply the reputation and fortune of the disgraced party; and if such a charge could have been supported, we may be assured that it would have been brought forward at one time or another. In 1672, when the French King was at Utrecht, the bank of Amsterdam paid so readily, as to leave no doubt of the fidelity with which it had observed its engagements. Some of the pieces of metal which were then brought from its repository, appeared to have been scorched with the fire which happened in the town-house soon after the bank was established. Those pieces, therefore, must have lain there from that period.

What might be the amount of the treasure in the  
bank



bank of Amsterdam, was a question which long employed the speculations of the curious, until after the French army arrived in Holland in 1795, when it was found expedient for the directors to publish a true statement of their affairs, which was done to general satisfaction, proving the perfect solvency of the bank.

Before the French obtained a footing in Holland, the deposits or amount of property in the bank was reckoned by those who, without being in the secret, might be supposed to know best, to amount to three millions of pounds sterling, or 33,000,000 of guilders; a great sum, and sufficient to carry on a very extensive circulation, but vastly below the extravagant ideas which some people have formed of this treasure.

The city of Amsterdam derives a considerable revenue from its bank, besides what may be called the warehouse-rent already mentioned. Each person upon first opening an account with the bank, pays a felt of 10 guilders; and for every new account, three guilders three stivers: for every transfer, two stivers; and if the transfer is for less than 300 guilders, six stivers, in order to discourage the multiplicity of small transactions. The person who neglects to balance his accounts twice in the year, forfeits 25 guilders. The person who orders a transfer for more than is upon his account, is obliged to pay three per cent. for the sum overdrawn, and, at the same time, the order is set aside. The bank is supposed to make a considerable profit by the sale of the foreign coin or bullion, which sometimes falls to it by the expiring of receipts, and which is always kept till it can be sold with advantage. It makes a profit likewise by selling bank money at five per cent. *agio*, and buying it in at four. These different emoluments amount to a good deal more than what is necessary for paying the salaries of officers, and defraying the expense of management. What is paid for the keeping of bullion upon receipts, is alone supposed to amount to the net annual revenue of between 150,000 and 200,000 guilders. Public utility, however, and not revenue, was the original purpose of this institution. Its object was to relieve the merchants from the inconvenience of a disadvantageous exchange and deterioration of coin. The revenue which has arisen from it was unforeseen, and may be considered an accidental benefit.

As a proof that the bank is now in a good state, the following resolutions were, on the 19th day of July 1802, passed by the provisional government of the city of Amsterdam, at the instance of the commissioners of their bank.

1. To make it known to those interested, that in consequence of the payments made by the common treasurer, the deficiency being entirely filled up, all the debts on bonds and stock which have been deposited in said bank, are now replaced by hard cash, so that there is now nothing whatever in circulation that is not upon effective real value; and that thereby the bank is now in that situation in which it was when originally erected.

2. That the common treasurer of this city be qualified on behalf of the assembly, to receive from the commissioners of the bank all the pretensions which said bank had, as also the several bonds resting there in pawn, and to do the needful in this respect.

3. For facilitating the operations in bank-money at the re-opening of the bank on the 30th instant, to put an end to the tax of a half stiver on each hundred guilders, which was imposed the 30th March 1796, by a resolution of the municipality, on payments made in bank-money, and fix it on the old footing, namely, three stivers for each sum per banco which shall be transferred.

4. That the superintendants of the bank form a committee, in conjunction with the commissioners, to revise the regulations and ordinances of the said bank; to make the necessary alterations in them; and as improved according to the exigency of circumstances, to present to this city government for its assent.

**BANK OF ROTTERDAM.** This bank is precisely on the same plan with the bank of Amsterdam, but on a smaller scale. Both have undergone a fiery trial by the late revolution.

**BANK OF HAMBURG.** This is a security bank, or bank of deposit, and of which the free citizens and corporations are sureties. The senate has no controul over it, and the directors, four in number, are appointed by a majority of votes from among the principal of the freemen.

Their functions are, to see that the regulations be punctually observed, and to supply the cashiers with money

money when payments are to be made; which, however, is done without resorting to the treasurer: it is the directors' duty to provide money from other funds.

The capital of this treasure is presumed to be considerable; but as the book-keepers take an oath neither to divulge the entries and extracts of the bank, nor the amount of any particular deposit, it is impossible to ascertain with certainty the amount.

The book-keepers, who are four in number also, are bound to deliver to the comptrollers two balances weekly.

Citizens of Hamburg exclusively are permitted to have an account with the bank, and from them only it receives cash by way of deposit, without any interest. It is by their notes of transfer on the bank that they make payments.

Not less than one hundred mark lubs can be *erote* into bank, and two shillings are paid for every sum not exceeding three hundred marks; but any higher sum may be wrote in *gratis*.

The hours for writing into bank are from seven to ten o'clock in the morning, and from three to five in the afternoon; but it may be done at any other hour, on paying two shillings additional for each sum. The same hours in the morning are appropriated for any person to examine whether the sums due to him have been entered.

Persons wishing to open an account with the bank, must pay fifty rix-dollars of three marks, or forty-eight shillings lubs.

The bank is shut every year from the 31st of December to the 15th January. The money that they usually receive is in rix-dollars, which are generally worth from an eighth to a half per cent. more than the money which is wrote by notes into bank; that is, if there be a deficiency of rix-dollars in specie, from an eighth to a half must be wrote into bank beyond the money received; but, on the contrary, if a person has cash to lodge, he only receives from the bank an eighth or a quarter per cent. benefit.

The bank books and writings are kept in marks, shillings, and deniers lubs; and it is to be noted that the fractions are never wrote under one shilling or six deniers.

The bank advances money on the security of jewels,

silver, &c. at a moderate interest, where they remain deposited as a security for the payment of principal and interest for six months, which if not paid, the articles are sold at the bar of the bank to the highest bidder, after having advertised the day of the sale and delivery.

**BANK OF VENICE.** This is the most ancient bank in the world, having been established in the middle of the twelfth century. It is a general and perpetual depository of money, of payments and receipts, for merchants and traders. Like many other public banks, it owes its establishment to the embarrassments consequent to a long and severe war; hence it is also called *banco de guira*. It was made a particular regulation, that all payments of wholesale merchandize, and bills of exchange, shall be in *banco*, or bank-notes, and that all debtors and creditors shall be obliged, the one to carry their money to the bank, the other to receive their payments in *banco*; so that payments are made by a simple transfer from one to the other.

This mode of payment, by a transfer of credit on the books from one man to another, can only serve in such cases as the parties have accounts at the bank, or when he who has not is in a situation to open one. In small transactions, or when specie is wanted for strangers to carry off, when it is required for the negotiation of bills of exchange, &c. the bank transfers are not applicable to the adjustment of such transactions.

This mode of transfer is ingenious, and saves the circulating medium, but it could not be practised in a free country like England, and, it must be allowed, it has a tendency to compel a disclosure of transactions and connections to a degree that must frequently be inconvenient, and still more frequently disagreeable.

As this bank was the first in the world, and has served more or less as a model for all others, it as such deserves notice; otherwise, it neither is now carried on extensively as in former times, nor can be copied with advantage. It may properly be compared to some other works of the same period: a wonder for the 12th century, but requiring much alteration to adapt it to the manners and modes of the 19th.

The necessity of these effective payments has given

given occasion to the opening a fund of ready money, and it has been found that the liberty of withdrawing money at pleasure, instead of diminishing, rather augments the stock. By means of this bank, the late republic of Venice, without encroaching on the freedom of commerce, or paying any interest, became possessed of five millions of ducats (to which sum the capital of the bank is limited), to be in readiness on any pressing occasion, the republic being security for the capital.

In this bank the accounts are kept in *liras*, *soldi*, and *denari de grossi*; of which, one *lira* is worth ten ducats *de banco*, or two hundred and forty grossi, the ducat being equal to twenty-four grossi.

The money of exchange is always considered to be bank ducats, which are imaginary, and a hundred of these make a hundred and twenty ducats current; so that the difference between bank and current ducats is twenty per cent. the broker being prohibited to negotiate at a higher price.

The bank is shut four times a year, viz. the 20th of March, 20th of June, 20th of September, and the 20th of December; and it remains shut each time for the space of twenty days. Yet this does not prevent its negotiation, as well in ready money as bank, to be wrote off at its opening. The bank is also shut upon other occasions, viz. eight or ten days at the carnival, and during passion week: it is likewise shut every Friday, when there is no holiday, to make their balances. So that it is not open above 180 days a year, or just about one half the time.

The bills of exchange, drawn for the fairs or otherwise, must all be payable in bank, and, in like manner, a seller cannot refuse payment of his goods in the same mode, except by an agreement to the contrary.

Bills of exchange at Venice have six days grace, and in default of payment, the protest must be made on the sixth day, otherwise the holder stands to the damage; but from the instant the bank is shut, a debtor cannot be forced to the payment of bills, either in ready money or otherwise, nor can be protested against for it till after the sixth day after the bank opens, except when there is a failure, in which case every one may use his diligence, provided the bills are fallen due.

**BANK OF GENOA.** This establishment, denominated the St. George's bank, is the most ancient of any of a similar description in Europe. The capital was composed of certain branches of the public revenue, appropriated by the government for that purpose, and loans advanced by individuals to meet the exigencies of the government; and this fund has ever been kept sacred and inviolate during the greatest troubles by which the state has been agitated. This society, from the administration of it being for life, and partly in the hands of the citizens, has a powerful influence over the subjects of the republic, and is a salutary check to the encroachments of aristocracy; and whilst Genoa preserved her neutrality in the quarrels of the great belligerent powers of Europe, this bank supported its circulation, and was the prop of commerce and public credit; but when unfortunately this state was drawn within the vortex of ambition, their commerce and the regulation of the bank of St. George were swallowed up in the gulf.

The republic of Genoa was altogether a sort of bank, and lent upon good security to individuals, but to the French nation it advanced more than 400,000,000 of *livres*. It is consequently the greatest creditor of France; but in this, as in many other cases, the creditor is the servant and slave of him who owes.

**BANK OF VIENNA.** The bank of Vienna is established on the same plan as those of Venice and Amsterdam; Vienna, however, is not a commercial city, but the capital of a large agricultural country; consequently its operations are not in general of the same nature with similar establishments where commercial habits prevail, and commerce is in activity.

The shares in that bank consist of *actions* delivered to those who have furnished funds, and which actions bear interest. Great part of these actions belong to the state, which has a great share in the management of the establishment. When the state borrows money, it is not unusual to pledge a number of those shares as security, which is done merely by depositing them with the lender.

The credit of the bank of Vienna, and the paper which it issues, is very intimately linked with that of the state, and being at a great distance from the active scene of commerce in Europe, it is subject to a depression

pression at times, which its known solidity would prevent in more favourable situations.

Before the war with the Turks was entered upon by Joseph II. 15 years ago, no bank in Europe was considered more solid; but its operations were not then extensive. The uncommonly great exertions of the house of Austria during the long continuation of hostilities, and their unhappy termination, have occasioned the credit of that bank occasionally to be violently tried, and sometimes suspected, but without reason.

The first resources of the state after a crisis, have always come in aid of the bank; a proof both of the wisdom and honour of the cabinet of Vienna.

The principal circumstance to be learned from this bank is, that in agricultural states where commerce is but low, banks, however solid and well intended, can be of little utility. They depend upon a great circulation amongst those with whom it is connected. Commerce alone occasions and admits of a quick and rapid transition of money from one person to another, and of consequence to the bank with which they are connected.

**BANK OF THE UNITED STATES OF AMERICA.** This bank, kept at Philadelphia, owes its origin to the multiplied embarrassments consequent on the American revolution. It was established by an act of congress of 25th February 1791, with an exclusive privilege for twenty years. Its capital is ten millions of dollars, one-fourth in specie, and the remaining three fourths in American stock, bearing six per cent. interest. Its commerce is confined to cash and bills of exchange, and it is established on similar principles to the bank of England. There are twenty-five thousand shares of four hundred dollars each, or ninety pounds sterling; which, at the price of 102½, and the average dividend of 8½ per cent., yield an interest of 7½ per cent. The interest is payable either in London or Amsterdam half-yearly, and the capital may be transferred the same as any European stock, by applying to the proper agents for that purpose.

**BANK OF FRANCE.** On the fall of the assignats, the necessity of a substitute became strongly felt. A public bank was the only means of restoring public credit. Augustin Menneron, a man of enterprising genius, succeeded in forming a respectable association,

which established a bank under the name of *Caisse-des-Comptes-Courans*. Little confidence, however, was placed in it, from the auspices under which it was established, the name of its founder, the disregard of the government to the rights of property, the mediocrity of its capital, which was limited to five millions of livres, and the small advantages it promised commerce; but at the same time the security given by the association of the first banking houses, the difficulties of the nation, and perhaps the great profits of the proprietors, gave this establishment as much business as could have been expected. It was a transfer bank, and its utility was confined to Paris. Several defects, however, in its administration, and the indiscretion of the proprietors, produced a catastrophe which gave a severe blow to credit.

This bank was the foundation of the bank of France, which was established in February 1798, under the special protection of the then government.

The bank of France unites the different properties of a security, a transfer, and a discount bank; its capital is thirty millions of francs, in actions or shares of five hundred francs each. It discounts bills, having the signature of three French citizens, or merchant strangers, of undoubted credit. It undertakes the recovery of bills, remitted to it either by individuals or public establishments, and makes advances on those which are good. It receives deposits and consignations of cash and bank notes, and pays the owners drafts to the amount of the cash in hand. It issues notes payable to the bearer at sight, and notes payable to order on a day certain. It has an office for receipt and payment, where sums above five hundred francs are received for a time agreed on, and for which it pays interest. It is forbidden to traffic in any thing except money matters.

The bank is governed by fifteen directors, under the superintendence and inspection of three censors, chosen by the general meeting of proprietors.

**BANK OF SCOTLAND.** This bank was established, in virtue of an act of the Scottish parliament, in 1695, and is under the management of a governor, deputy-governor, 12 ordinary and 12 extraordinary directors. The original stock was 100,000l. but in the year 1774, an act was passed to double the capital, and by several subsequent acts it was farther increased, so that it

now



now amounts to 600,000*l*. The shares are only 83*l*. 6*s*. 8*d*. each, but from the flourishing state of its affairs, they usually sell for nearly double that sum. This bank issues notes in the same manner as the bank of England, and also discounts bills. Any person may deposit money here, and will receive at the rate of four per cent. interest if to lie for six months certain, or three per cent. if to be drawn on demand. Another species of transaction, peculiar to this and the other Scotch banks, is, that the directors grant credits of from two hundred to one thousand pounds, principally to persons engaged in trade, agriculture, and manufactures, on their giving bond with approved security. On this a cash account is opened with the party to whom the credit is given, who may draw or pay in any sums not under twenty pounds, paying interest for what he owes at the rate of five per cent. Every half year the accounts are adjusted, and, although there are thousands of these cash credits, so careful is the bank of the securities they take, that there is hardly ever an instance of any loss. These credits have been of incalculable benefit to the country, and they are now dispersed all through Scotland, there being no less than twenty-four different branches of the bank in the principal towns of that part of the kingdom.

**BANK ROYAL OF SCOTLAND.** The royal bank was established by charter in 1727. By the act of union between England and Scotland, it was stipulated that the latter should receive from the former certain sums, as an equivalent for the proportion it was to pay of the debts of England; and this equivalent-money is by several subsequent acts of parliament directed to be employed for the improvement of the fishery and manufactures of Scotland. To manage this money was one purpose of the establishment of the royal bank. A capital was raised of 200,000*l*. in shares of 500*l*. each, but it has since been increased to 800,000*l*. The royal bank is conducted by a governor, deputy-governor, nine ordinary and nine extraordinary directors. Its business, and the manner of conducting it, are precisely the same as that of the bank of Scotland, and its condition is no less flourishing.

**BANK OF IRELAND.** This national bank was established in 1783, with a capital of 600,000*l*. by a charter for 21 years. It is under the controul of a governor, de-

puty-governor, and 15 directors. The governor and deputy-governor are elected for three years, and five new directors are chosen every year. Since the first establishment the capital has been increased to 1,700,000*l*. for which the government stands security, and pays an annuity of 73,125*l*. This bank has been hitherto kept in St. Mary's Abbey, Dublin; but the directors have lately purchased from government the noble edifice, lately the parliament-house, which is now preparing for that purpose.

The bank stock is transferable like that of the bank of England, and the business conducted in the same manner. A part of the Irish funds is made transferable at the bank of Ireland; as the English funds are at the bank of England.

The bank of Ireland originally paid a dividend of six per cent. which has since, by accumulated profits, increased to seven per cent. It is restrained by charter from receiving more than five per cent. on its discounts, although the national legal interest is six per cent. but it may advance money on public securities, which it usually does by discounting bills, with sufficient collateral lodgments. It has been for several years a general rule with the directors, for the accommodation of merchants, to take good mercantile bills on England, whenever the exchange on London falls to seven per cent. which is a very great convenience, as before the establishment of the bank, exchange on London has been known frequently as low as five per cent. and sometimes lower.

The original capital of 600,000*l*. was subscribed in government securities bearing four per cent. at a time when that stock was at only 80 per cent. for which government granted a permanent annuity of 24,000*l*. per annum; and so much has the stock excreased in value, that it was lately at 180 per cent.

**BANK-BILL.** See *Bill, Bank*.

**BANKRUPT.** a trader who from the state of his affairs is deemed insolvent, or, as defined by lawyers, a trader who secretes himself, or does certain other acts tending to delay or defraud his creditors: traders only, or such as buy and sell, and gain a livelihood by so doing, are amenable to the bankrupt laws.

This general description may be considered with respect to the *person*, the *trade*, and the *capacity* of contracting debts in the way of trade.

*Requisites to constitute a trading.* The merchant  
M dising,

dising, or buying and selling, must be of that kind whereby the party gains a credit upon the profits of an uncertain capital stock. This applies peculiarly to the case of those who live by mere buying and selling of goods or other moveable chattels; and by a credit gained upon the profits of this species of dealing, as a merchant, a grocer, a mercer, and, in one general comprehensive term, a chapman: money scrivener, bankers, brokers, and factors are made subject to the bankrupt laws by express provision.

Manufacturers, or persons purchasing goods or raw materials to sell again under other forms, or ameliorated by labour, are also within the statutes: as bakers, brewers, butchers, shoemakers, smiths, tanners, taylors, &c. &c. &c.

The following description of persons are not within the statutes of bankruptcy, viz. proprietors or persons having an interest in land, if buying and selling to whatever extent, for the purpose of disposing merely of the produce and profits of such land; graziers and drovers; owners of coal mines working and selling the coals; owners or farmers of allum rocks; farmers who make cheeses for sale, or those who sell cyder made from apples of their own orchard. In all such cases, and many others of a similar nature, where the several materials are purchased, and even some kind of manufacture exercised; yet as this is the necessary and customary mode of receiving the benefit arising from the land, such persons are not held to be traders within the statutes; nor are persons buying and selling bank stock or government securities. Buying only or selling only, will neither singly constitute trading; as where one imports goods without selling the articles so imported, or after he has given over trading, selling off his former stock; or where one sells off a surplusage of goods bought for a special purpose, or for a private use; neither will a single act of buying and selling, or drawing or redrawing bills of exchange, merely for the purpose of raising money for private occasions, and not with a view to gain a profit upon the exchange. Being a part owner in a ship, barge, or waggon, does not constitute a trader; nor holding a share or interest in a joint stock with others who trade, unless he shares in the profits and loss upon the disposition of the capital. The merchandize must also be general, and not in a qualified manner only, or under particular re-

straints, or only for special purposes, as victuallers or innkeepers, schoolmasters, commissioners of the navy who victual the fleet by contract, the king's bawly, steward, or other officers, officers of excise or custom, sutlers of the armies, butlers and stewards of inns of courts, clergymen, &c. as acting in such capacities merely, are not liable to be made bankrupts; the merchandising, or buying and selling, in such cases not being general, but in the exercise of particular employments. Neither, upon the same principle, are receivers of the king's taxes, or persons discounting exchequer bills, subject to be made bankrupts. If the parties above enumerated, however, bring themselves within the bankrupt laws in any other respect, they will be liable to their operation, although they should evidently not profit by trading, or such trading should be illegal; although the trading should not wholly be carried on in England, buying only in England, and selling beyond sea, will be sufficient. Any person, native, denizen, or alien, residing in any part of the British dominions, or in foreign countries, though never a resident trader in England, yet if he be a trader, and coming to England commit an act of bankruptcy, he will be subject to the bankrupt laws.

No one can be a bankrupt on account of any debt which he is not by law compellable to discharge, as infants or married women. And if a single woman be a trader, and committing any act of bankruptcy, afterwards marries, a commission issued against her after such marriage cannot be supported. But in cases where the general incapacity is removed, a married woman has been held liable to a commission of bankruptcy, like a *feme sole*; as where she is sole trader, according to the custom of London.

A clergyman also, whose contracts, by 21 H. VIII. c. 13, are declared utterly void and of none effect, and subject him also to a very considerable penalty, if he will trade, is held to be subject to the bankrupt laws.

*Acts of bankruptcy.* These we shall consider in their order.

*Departing the realm.* This must be done with intent to defraud or delay creditors; when therefore it appears that the party had no such intention, although his creditors are in fact thereby delayed, this will not be a departure within the meaning of the statutes; or where one goes abroad to avoid a criminal process, or

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with the knowledge and consent of his creditors. But going to avoid process upon a decree for payment of the money, is clearly within the statutes. *Fowler v. Paget*, 7 T. R. 509.

*Departing from the dwelling house.* Such departure must also be with intent to defraud or delay creditors; as if done to avoid an attachment to compel the payment of money upon an award, but not an attachment for the non-delivery of goods, or process merely to compel performance of a duty; nor if the departure be compulsory, as in the case of an arrest. But a voluntary departure for ever so short a period, if with intent to delay creditors; as the intent to delay creditors is an essential ingredient to constitute an act of bankruptcy, as well as the mere fact of departure, so the departure with the intent to delay has been held insufficient, without being accompanied also by the fact of an actual delay of some creditors. *Meylin v. Byle*, Str. 803.

*Beginning to keep the house.* The usual evidence of this act of bankruptcy is, the being denied to a creditor who calls for money. It has been held that an order to be denied is not enough without an actual denial. And in the case of *Garrat v. Moute*, 5 T. R. 575; it was held that such actual denial was the indispensable evidence of this particular act of bankruptcy. Such denial, however, must be with the intent mentioned, and is subject to the preceding distinction of avoiding a debt or duty, and is therefore to be explained by circumstances; as where such denial is on account of sickness, being engaged in company, particular business, the lateness of the hour, &c.

The denial must also be to a creditor who has a debt demandable at the time. Any denial therefore to a creditor by note payable at a future day, is no act of bankruptcy; and a denial to a person coming only on behalf of a creditor, unless to a creditor's clerk or servant, has been held insufficient. An order to be denied to every person includes creditors, and being followed by an actual denial to a creditor, is sufficient evidence of an act of bankruptcy.

Where one was denied to a creditor who called in the morning with a bill for payment, though he afterwards in the course of the day appeared in public, and having procured money, paid the bill before five

o'clock of that day, and though the holder of the bill might, in point of law, have waited to receive payment the whole of that day on which the bill became due, yet this was held to be a complete act of bankruptcy. *Colket v. Freeman*, 2 T. R.

A person having no permanent residence, but absenting himself from his usual abode, is also within the statutes. In this case the usual abode is considered as his own house.

*Voluntary arrest.* This is to be understood not only of arrest for a fictitious debt, but also of yielding to a prison even for a just debt; and if done with an intent to delay creditors, &c. it is an act of bankruptcy.

*Suffering outlawry.* The outlawry must be with the intent to defraud creditors, but this will not make a man a bankrupt if reversed before issuing a commission, or for default of proclamations after the commission, unless, perhaps, such outlawry were originally fraudulent.

*Escaping from prison,* being arrested for a just debt of 100l. or upwards. The escape must be such as evinces an intent to run away and defeat the creditors, and must be an escape against the consent of the sheriff. This act of bankruptcy appears to commence from the time of the first arrest.

*Fraudulent procurement of goods to be attached or sequestered.* A fraudulent execution, though void against creditors, is held not to be within the meaning of the words "attachment or sequestration," used in the statute, which are construed to relate only to certain customary modes of proceeding, known by these names, and used in the cities of London, Bristol, and other places.

*Making any fraudulent conveyance.* A grant or conveyance to come within the statute must be by deed. A fraudulent assignment of property by mere delivery or otherwise, not by deed, though it may be void against creditors, is not in itself an act of bankruptcy: although on account of the fraud it is not void, and in other respects inoperative, it has been laid down that any deed fraudulent against creditors, within the 13th Elizabeth, c. 5. or as against purchasers within the 27th Eliz. c. 4. and every fraudulent deed generally, is in itself an act of bankruptcy.

Any conveyance of property, whether total or partial, made with a view to defeat the claims of creditors,

is considered as a fraud, and as such, if it be by deed, is held to be an act of bankruptcy within the statute.

A conveyance by a trader of all his effects and stock in trade by deed, to the exclusion of any one or more of his creditors, has been uniformly held to be an act of bankruptcy.

Such conveyance will be an act of bankruptcy though made for a valuable consideration, and therefore not fraudulent as between the parties; for the injury to the rest of the creditors is the same. Where a trader therefore in insolvent circumstances, assigned by deed all his effects to a creditor, as a floating security for all sums of money he should advance, and was allowed to continue in possession upon a secret trust to deliver it up some time after, this was held to be a clear act of bankruptcy.

Any exception of a small part of the estate or effects, will not take the case out of the general rule; as where a trader finding his circumstances decline, but wishing to prefer some particular creditors, made a bill of sale to them at midnight of all his goods and stock in trade, but excepting out of it a few particulars of about 100*l*. value, and next morning absconded: this was considered as in effect a conveyance of all; the property reserved being comparatively so disproportionate.

A mortgage of (amongst other things) all the stock in trade, excepting the household goods and debts, which were both very trifling, was held to be an act of bankruptcy, as being an assignment of all the stock in trade, without which he could carry on no business. Upon the same principle it has been said, that an assignment of so much of a man's stock as to disable him from carrying on his trade, would be an act of bankruptcy, or even an assignment of all his household goods.

A conveyance of all, though for the payment of creditors generally, is fraudulent, and an act of bankruptcy if any one creditor is excluded, or to pay all creditors rateably, unless all the creditors assent.

A conveyance by a trader of part of his effects to a particular creditor, carries no evidence whatever of fraud, unless such conveyance is made in contemplation of bankruptcy; in which case, although it be to a *bona fide* creditor, it is nevertheless considered as a

fraud upon the creditors at large, by giving an undue preference, and is therefore not only void as against creditors generally, but if by deed it will be an absolute act of bankruptcy.

Where therefore an insolvent trader voluntarily, being neither arrested nor threatened with any arrest, nor even called upon for the money, assigned part of his effects to his brother, in consideration of a sum of money advanced from motives of friendship, and in two days after absconded; this, although possession was delivered instantly, and several acts of ownership exercised *bona fide* by the brother, who had no knowledge or suspicion of the trader being insolvent, was held clearly an act of bankruptcy, being a voluntary preference given in immediate contemplation of it. *Linton v. Barlett*, *Coop.* 120. 3 *Wils.* 47.

But although a party may be insolvent at the time of the conveyance, or become so soon after, and should in the event; it may defeat that equality amongst other creditors, which it is the object of the bankrupt laws to preserve. Though it may operate as a preference of a particular creditor, yet if the conveyance is not the mere voluntary act of the party, the preference being only consequential, it will not be held an act of bankruptcy.

If a bankrupt, after a commission is issued, pay the petitioning creditor, or deliver goods or other satisfaction, or security for his debt, whereby he may privately have a larger distribution of the effects than the other creditors, such act is a fraudulent preference, and consequently void. Although the statute only speaks of compromises after the issuing of a commission, it is held to extend to the case where nothing further is done than striking a docket.

*Being arrested for debt*, lying in prison two months or more, upon that or any other arrest or detention in prison for debt, will make the party a bankrupt from the time of the first arrest. But being committed in execution of a criminal sentence, and in the course of that commitment being charged with debts, and remaining charged with them two months or more after the expiration of the sentence, seems not to come within the statute, which appears to require that the imprisonment should not only in the first instance be founded upon a debt, but that such imprisonment should also be continued upon that account. The



arrest must be for a debt which is legally due at the time. Any debt, therefore, by reason of a fine, &c. is not within the statute; lying in prison on an arrest, for a demand of which the remedy is only by bill in equity for a specific performance, is not a sufficient ground for a commission. Lying in prison on an arrest, upon a bond before the day of payment, in order to oblige the parties to find sureties, according to the custom of London, seems to be no act of bankruptcy; for in that case no debt is actually due at that time.

The two months are to be computed from the time of the first arrest, only where the party lies in prison immediately upon the arrest; but where bail is fairly put in, and the party at a future day surrenders in discharge of his bail, the two months are computed from the time of the surrender, for the presumption of the insolvency arises not from the mere circumstance of being arrested, but from lying in prison two months, without being able to find bail.

Where a party arrested and in prison at the suit of one plaintiff, is detained at the suit of another, and lies two months at the suit of the second, though discharged as to the first, this is equally within the express letter of the statute.

*Neglecting to make any satisfaction for any just debt to the amount of 100l., within two months after personal service of summons for such debt, upon any trader, having privilege of parliament.*

No act done out of England can be an act of bankruptcy, whether the trader be a native or a foreigner.

Although a party leaves off trade he may afterwards commit an act of bankruptcy in respect of creditors, whose debts were either contracted during the trade or before, and were subsisting debts whilst he was in trade.

A concerted act of bankruptcy shall be of no avail against persons not privy or consenting, and those who have assented to such act shall not be allowed to set it up as an act of bankruptcy against them. But the bankrupt himself, and all those coming in under the commission, are concluded from saying any thing against it.

An equivocal or dubious act of bankruptcy may be explained by circumstances, tending to shew that there was no intent to defraud creditors; but an act

once plainly and directly committed with that intent, can never be purged or explained away by any subsequent conduct, except that of payment or composition with all his creditors, in which case the party becomes as it were a new man.

If a man clandestinely removes and conceals his goods to preserve them from being taken in execution, this will be no act of bankruptcy, for the statutes, as to this point, mention only *fraudulent gifts to those persons*, and procuring their effects to be seized by sham process. Neither will stopping or refusing payment, nor if in consequence of such refusal the party is arrested, but put to bail, nor even if he goes to prison, unless *he lie there two months*, or escape from it after an arrest for 100l. or more, be considered as falling within the act. Nor even a fraudulent preference, by delivery of property to a particular creditor, if it be not by deed, although such act is void as against creditors.

And a deed which if fraudulent would be an act of bankruptcy, cannot be decreed fraudulent in a court of equity, unless found so at law. 2 P. Wms. 429. Burr. 479, 481, 482.

*Of the proceedings under a commission.* The lord chancellor is empowered and authorized to issue a commission of bankrupt, and is bound to grant it as a matter of right. By 5 G. II. c. 30, no commission can issue unless upon the petition of a creditor to whom the bankrupt owes a debt to a certain amount.

This statute requires that the debt of a single creditor, or of two or more being partners, shall amount to 100l.; that the debt of two shall answer to 150l. and of three or more to 200l.

If the debt as against the bankrupt amount to the sum required, it is not material though the creditor should have acquired it for less; as where an indorsee of the bankrupt's notes bought them in at an under value, he was held a legal creditor for the full sums contained in such notes.

If a creditor to the full amount before an act of bankruptcy committed, receives after notice of the bankruptcy a part of his debt, such payment being illegal, cannot be retained, and the original debt remains in force, and will support a commission; at least the creditor suing it out on the ground that his whole demand

demand was unpaid, will not be permitted after to say such payment was good.

The debt must be a legal and not an equitable debt, and if the legal demand be not in its nature assignable, the assignee, notwithstanding his equitable claim, cannot be a petitioning creditor, as the assignee of a bond. If the creditor for a debt at law, has the body of his debtor in execution, he cannot, at the same time, sue out a commission upon it; for the body of the debtor being in execution, is in point of law a satisfaction of the debt.

A debt on an unliquidated account is a foundation for a commission, provided the creditor can swear to a balance amounting to the sum required.

The husband alone cannot sue out a commission upon a debt due to the wife as executrix or administratrix; for he cannot make an oath of it as debt due to himself.

Not only a debt contracted while the party is actually in trade, but also a debt subsisting while in trade, though contracted previously, will support a commission; a debt contracted after quitting trade, however, will not.

By 5 Geo. II. c. 30, creditors by bond, bill, note, or other personal security for money payable at a future day, are enabled to take out a commission before the day of payment. The statutes have been supposed to extend only to written securities, yet in some late cases at nisi prius, Lord Kenyon is said to have expressed an opinion, that they extend to the case of sales of goods upon credit merely, and to all debts that were payable at a future day certain. *Cochran v. Love*, Co. B. L. 18. *Henbest v. Brown*, 1840, 54.

A creditor by bill or note made by the bankrupt before an act of bankruptcy, but not indorsed to the holder till after, may be a petitioning creditor.

A debt at law, although above six years standing, will support a commission. The 5th Geo. II. requires no affidavit as to the time, but only as to the truth and reality of the debt; and the statute of limitations relates only to remedy by action, but does not extinguish the debt, or take away any other remedy.

*Of opening the commission.* When the commissioners have received proof of the petitioning creditor's debt, the trading, and the act of bankruptcy, they declare

and adjudge the party a bankrupt generally before the date and suing forth of the commission, without specifying the time more precisely.

The commissioners are authorized to issue a warrant, under their hands and seals, for the seizure of all the bankrupt's effects, books, or writings in his custody or possession, and for that purpose to enter, and in case of resistance to break open, the house or such other place belonging to the bankrupt, where any such effects, &c. are, or are suspected to be; but they cannot break open any other house where such goods may be concealed, except the house belonging to the bankrupt.

No debt can be proved under a commission of bankruptcy, but such as existed before and at the time of the bankruptcy. By the 5th Geo. II. it is provided, that a bankrupt's certificate shall discharge him from all debts due or owing by him at the time he became a bankrupt, and that, in case he is sued for any such debt, he may plead generally that the cause of action accrued before that time. By another clause in the same statute, the mutual credits, or mutual debts, directed to be set against each other, are such only as subsisted before the person became a bankrupt; and by the 7th Geo. I. bankrupts are discharged from debts upon securities payable immediately, and not at a future day.

Such debts only can be proved under a commission as were either originally debts certainly payable, and which existed at the time of the bankruptcy, or which, although originally contingent, yet from the contingency happening before the bankruptcy, were become absolute, or debts certainly payable. Contingent debts, in which the contingency has not taken effect before the time of the bankruptcy, are not allowed to be proved, because at that time it must have been altogether uncertain whether the contingency would ever arise or become payable at all. But debts of this kind are to be distinguished from those where the contingency relates only to their defeasance; for the latter, if originally vested and certain in their first constitution, may still be proved, though liable to be defeated by some future contingency, provided the contingency has not happened before the time of proving. Thus, by 7 Geo. I. creditors taking bills, bonds, notes, or other personal securities for their debts,

debts, payable at a future day, shall be admitted to prove and receive dividends, although the commission were taken out before the money upon such securities became payable, deducting only a rebate of interest, to be computed from the actual payments to the time the debt would have become payable by the securities.

This, however, is held to extend only to such debts as are certain with respect to their payment, and payable at a future day which will certainly come to pass. But contingent debts are held not to be within the statute; for it being uncertain whether they will ever become due or not, it is impossible to make such rebate of interest upon them as the act directs, there being no certain time from which to compute it.

The amount of the debt must be precisely ascertained. It is an invariable rule, that any demand uncertain in its nature, and incapable of being certainly ascertained, cannot be proved under a commission of bankruptcy.

A demand founded on any illegal contract cannot be proved under a commission.

If a security consists of two parts, one bad and the other good, the equity is, that the security shall avail as to what was good. *Ex parte Mather, 3 Vesey 273.*

Though annuitants are admitted to prove for the value of their annuities, on the consent of the assignees to the proof, the court will give the general creditors an opportunity of objecting on the ground of the consideration being inadequate.

In the case of annuities, the growing payments are of the nature of a contingent debt, and nothing but the arrears actually accrued before the bankruptcy can be considered as an absolute debt, regularly proveable under a commission. Where the annuity is not a rent-charge upon land, but only a personal security by a bond, with a penalty, such penalty is considered as the legal debt when a forfeiture has once been incurred; and to redeem that forfeiture, and at the same time to avoid the inconvenience of a perpetual division of the estate, if the annuity were paid from time to time as the growing payments became due, the commissioners allow it to be valid, and direct that the annuitant shall come in as a creditor under the commission for that value. But unless the

bond has been forfeited, the creditor will not be relieved under the commission for the growing payments, and acceptance of the arrears after a forfeiture is held not to be a waiver of it. Bonds for annuities on lives are held not to be within the meaning of the statute of the 4th and 5th Anne, they not being bonds with a defeasance for the payment of a less sum at a certain day and place.

A bond for payment of an annuity for a number of years certain, in which the payments are fixed at certain periods, is not a contingent debt; and though no forfeiture has been incurred, it may be proved like other debts payable at a future day certain.

An award creates a debt at law, which if made before the bankruptcy, is discharged by the certificate, and therefore proveable under a commission.

The holder of a bill or note is entitled to prove against all the several parties to the instrument under their respective commissions, and to receive dividends on the whole sum under each, but so that he shall not in the whole receive more than twenty shillings in the pound, and if he does, he shall account for the surplus. But if he has received part before he comes to prove, he is not allowed to prove or receive dividends on more than the residue, because he cannot swear that any more is then due to him. The *bona fide* holder of a bill drawn for a valuable consideration originally by one who afterwards becomes bankrupt, may prove and receive dividends to the extent of the whole sum, although he may have purchased such bill for a less consideration. So in a bill drawn by way of accommodation, which cannot be proved as between the parties to the accommodation, the holder for a valuable consideration may prove the sum contained in the bill against all the parties but him from whom he received it; but he is not allowed to receive dividends beyond twenty shillings in the pound on the consideration actually paid.

Bills made payable to fictitious payees may be proved against the indorser by the indorsee for a valuable consideration. A bill drawn by one before his bankruptcy, though not protested till after, may be proved under the commission, for the drawer of a bill contracts a debt the instant he draws it. A bill or note, taken up by an indorser after the bankruptcy of the acceptor

acceptor or maker, may be proved under a commission against the latter.

Giving time to the acceptor, or neglecting to give notice of non-acceptance or non-payment, or of a partial payment, discharges the drawer and indorser, unless the acceptor had no effects in his hand, in which case the drawer cannot be injured, and the balance may be proved under the commission, or if the holder takes security of the acceptor, for this is in favour of the drawer.

A bill taken without the name of the party delivering it, may, according to the agreement of the parties, be taken either as a sale of the bill or as a pledge. In the former case, it cannot be proved against the party of whom it was taken as a collateral security for a subsisting debt; as it is a liquidation of the debt to the full amount of the bill. If it be taken as a pledge, it must be sold, and the creditor can only be admitted to prove for the residue.

The costs and charges of protesting bills incurred before the bankruptcy may be proved, but not those incurred after. The difference upon the re-exchange upon bills protested and re-drawn after the bankruptcy, seems to be on the same footing with the ordinary expences of protest.

The same rules apply to bonds as in the case of bills of exchange, with respect to the creditor's right of proving against all the parties, and the amount of his proof, according as he comes to prove before or after having received any part of his debt.

Debt on a bail-bond given by a defendant to the sheriff, forfeited by non-appearance before the defendant becomes bankrupt, is barred by the certificate, and therefore proveable under the commission. But debt on such a bail-bond, not forfeited till after the bankruptcy, is not barred.

A bond given to replace stock by a certain day may be proved before the bankruptcy. *Ex parte Lutch*, C. B. 149.

Where there is a verdict before a bankruptcy the costs may be proved though the judgment and taxation are subsequent, for the judgment is held to relate to the verdict, and the costs, when taxed, are considered as annexed to those found by the jury.

So in the case of the costs of a trial *ad nisi prius* before the bankruptcy, on which the judgment of

nonsuit, and taxation of costs, is not till after it; for in such case it is held that the debt existed before, and the taxation merely ascertains the amount. *Watts v. Hart*, *Pull. & Bos.* 134.

In courts of equity, it being in the discretion of the court whether there shall be any costs at all, the taxation constitutes the demand; and if the taxation is subsequent to the bankruptcy, or though the order for it was made before, the debt is also subsequent, and cannot be proved under a commission.

Whether any particular covenant may or may not be proved, must depend upon the species and subject of such covenant. Demands in covenants for the performance of acts are also frequently not proveable from the uncertainty of the damages; and even covenants for the payment of money only are sometimes contingent. But where a covenant is neither contingent in the event, nor uncertain in the damages, but for a specific sum of money, it is proveable. *Charlton v. King*, 4 T. R. 136.

Demands in the nature of damages are, generally speaking, not proveable under the commission; yet if they be of such a nature as to admit of being liquidated, and ascertained at the time of the bankruptcy, they are proveable. So a demand for goods sold, or for work and labour, though without any agreement as to the price, which the party would recover at law as damages in assumpsit, or a *quantum meruit*, may be proved, because the value may easily be ascertained, and the creditor can swear to the amount. But in some cases of covenants, a variety of circumstances are frequently to be taken into consideration, which may increase or mitigate, or sometimes altogether annul the damages, and which a jury only, in such cases, can determine. Thus, a man cannot prove a demand arising by breach of a covenant to build a certain number of houses according to a particular plan, and within a given time. *Bannister v. Scott*, 6 T. R. 489. And it has been held that even on a covenant reserving a penalty or specific sum of money to secure performance, as on an obligation in a certain sum to perform covenants, the obligee, though there is a breach before the bankruptcy, cannot prove this as a debt. 3 *Wils.* 279.

Damages where the party founds upon a tort, as  
for



for assault and battery, or for slander, or in trover, cannot be proved under a commission, unless where they are ascertained by verdict before the bankruptcy. But where the demand is of a mixed nature, and the creditor may claim either as founding upon contract, or as for a tort, he may make his election, and will be entitled to prove or not accordingly.

*Assets*, whether received and remaining in specie, or unreceived, are not affected by the bankruptcy of an executor; and the creditors and legatees of the testator have no occasion, in that case, to come under the commission. But if the executor has wasted or misapplied the assets, the amount of the devastavit may be proved as a debt against the bankrupt's estate, and the testator's creditors and legatees may come in as creditors under the commission. Yet as the extent of the demand must depend upon the account to be taken of the assets, they cannot come in in the usual summary way, but by application to a court of equity for an account.

Costs of suit incurred by a false plea in action brought against a bankrupt or executor after the bankruptcy, are not proveable; for it is his own act which is the foundation of such costs, and which amounts to contracting a new debt subsequent to his bankruptcy.

The debts of a woman before marriage become by marriage the debts of the husband, and may be proved under his commission.

By the 19th G. II. the assured in any policy of assurance, and the obligee in any bottomry or respondentia-bond, may make a claim, and after the loss or contingency happened, is allowed to prove and receive dividends, in like manner as if it had happened before the bankruptcy. And insurances on lives are held to be within this act, though the preamble is confined to marine insurance, the enacting words being general, namely, "the assured in any policy of insurance."

It has been held that upon notes payable on demand, not reserving interest, the interest might be proved, where it appeared to be the known and established custom of the trade to allow it.

When interest is allowed to be proved, it is never, in any case of an insolvent estate, allowed to be computed lower than the date of the commission.

Upon a pledge of goods for debt on a simple contract, and interest promised, the creditors shall have interest to the day of the commission; but upon a special deposit of goods the interest is not, as in debts carrying interest, continued down to the date of the commission, but stops from the time of the deposit. A creditor by bill or note carrying interest, may receive the whole interest due; but a specialty creditor can never have interest beyond the penalty contained in his surety. In cases of mutual credit, when both debts carry interest, the computation of interest should stop on both sides at the same time.

Where a husband enters into covenants with trustees, under *marriage articles*, to leave his wife a certain sum of money in case she survive him, or to pay them a certain sum of money in case he die leaving issue who shall arrive to twenty-one, or where a bond has been given payable upon the like contingency of a wife surviving, or upon the double contingency of the obligor marrying a particular person, and of her surviving him; in all such cases the courts have held, that such demands could be proved under a commission taken out before the contingencies on which they were made payable respectively had taken effect. Nor will the trustees be admitted to prove where the money is made payable upon the party's failing in the world, becoming insolvent, or a bankrupt, as the debt in this case, from the very nature of the contingency, does not arise till after the bankruptcy. But if there is a remedy at law before the bankruptcy, as where, by way of security, the party covenants to pay money immediately, or give a bond with a penalty, and there is a breach of the covenant, or the penalty is forfeited at law before the bankruptcy; the court will take hold of the legal right, to enable the trustees to come in immediately as creditors under the commission.

A landlord will not be allowed a year's *rent* in preference to other creditors, where he neglects to distrain while the goods remain on the premises, but must in such case come in under the commission with the rest of the creditors. On the other hand, the landlord may distrain while the goods remain on the premises for his entire rent, be the quantum what it may, either after the messenger is in possession and before assignment, or after assignment, and when

the assignees are in possession, or even after assignment and sale, if the goods are not removed. A landlord, however, cannot distrain and come in under the commission at one and the same time, but it is put to his election either to waive his proof or his distress. But proving his debt is no determination of his election, and he may, notwithstanding, afterwards distrain the goods remaining on the premises, and waive his proof in like manner as a common creditor, even after he has received a dividend, is allowed, upon refunding that dividend, to bring an action at law for his debt.

In general a landlord cannot distrain till the rent becomes due, commensurate with the time of enjoyment of the premises; but if under a custom, that half a year's rent shall become due on the day the tenant enters on the premises, and the tenant agrees to pay half a year's rent in advance, the landlord is entitled to distrain on that day; and, even without distraining, if he purchases the goods sold upon the premises, he may retain out of the price the amount of his rent.

Nothing but arrears actually due at the time of the bankruptcy can be proved as a debt under a commission. The growing payments are uncertain and contingent; and though the bankrupt after his bankruptcy remains still liable upon his covenant, yet under a covenant it is uncertain whether any rent will ever become due. 3 T. R. 544.

If a *surety* joins with a debtor in a bond payable by instalments, and before the first default becomes bankrupt, the creditor may prove the bond under his commission, like any other debt payable at a future day, under the 7th G. I.; for though the debt was not originally that of the surety, yet, having made himself a principal, he is equally liable. So if one lends his name to a bill of exchange or promissory note, merely as a surety, he thereby makes himself an absolute debtor to any holder for a valuable consideration. But if the surety's engagement be conditional only, to pay in default of the principal, the debt is contingent till default be made, and cannot be proved against the surety, unless default has been made by the principal before the bankruptcy of the surety.

The mere becoming a surety for another does not

make the former immediately a creditor of the latter, but the debt remains wholly contingent until the surety has actually paid the money; and therefore unless the surety has actually paid before the bankruptcy of the principal, he cannot prove under his commission.

If a trustee of money in the funds sell it for his own benefit, and become bankrupt, and the price of the stock has risen between the time of selling and the date of the commission, the proof will be allowed for what it would have cost the bankrupt to have replaced it at the time of the bankruptcy.

If two persons being trustees under a will of money in the funds, sell out for the benefit of one of themselves, who having given an undertaking in writing to replace it on demand, becomes insolvent, and the other becomes bankrupt, the debt may be proved against the estate of the bankrupt, though the other estate be first liable.

*Time and Method of proving.* Creditors were formerly precluded from proving after four months, but the court now, except in cases of gross negligence, allow them to come in at any time, while any thing remains to be disposed of.

By the 21st James, c. 19, the commissioners are empowered to examine upon oath, or otherwise, as to the truth and certainty of the several debts owing to creditors seeking relief under the commission. Under this authority, the usual proof required is the oath of the creditor himself, either in person, or as directed by the 5th G. II. by affidavit, in case he lives remote from the place of meeting, or is resident in foreign parts. In particular cases, however, such as absence, illness, &c. it becomes necessary to dispense with the oath or affidavit of the party himself, and to admit such other and collateral proof as he may be able to make.

If any fair objection is made to the oath of a creditor, and the commissioners have just reason to doubt the legality of the debt, they may either admit it only as a claim, or disallow it altogether. An appeal lies from their determination to the lord chancellor; but after a proof has once been admitted, it will be conclusive, unless objection is made to it within a reasonable time.

When a creditor comes, before assignees are chosen, to prove a debt on a balance of an open account, the

the commissioners are not bound to examine critically into the debt, but may admit him upon his oath for what he swears to be due, as he will still be liable to an account afterwards; and when that is taken, will be entitled to a dividend only on what appears to be really due upon the balance. But still the commissioners in this as in other cases, if they see any reasonable ground of objection, may disallow the proof altogether.

Although no debt is regularly proveable but such as existed at the time of the bankruptcy, the form of the creditor's deposition is only that it was due and owing before the date of the commission. But if the debt plainly appears to have been contracted subsequent to the act of bankruptcy, though before issuing the commission, it cannot be admitted.

*Corporations or companies* are generally admitted to prove by a treasurer, clerk, or other officer duly authorized. So where a bankrupt is in arrear for taxes, the collector is the proper person to prove for the parish.

By the 21st Ja. c. 19, s. 9, no creditor having a security by judgment, statute, or recognizance, &c. or having made attachment by the custom of London or other place, whereof execution or extent is not served and executed before the bankruptcy, shall be relieved for more than a rateable proportion with the other creditors, and without respect to any penalty contained in the security.

Every creditor who desires to prove shall swear whether he has any security or not; and if he has obtained an effectual security upon any part of the bankruptcy or property, as a mortgage or a pledge before the bankruptcy, or has a lien upon any part of the effects, he will not be allowed to prove both his whole demand under the commission, and retain his particular security, or take the benefit of his lien. A creditor, however, who has a mortgage or a pledge, or who has obtained an effectual lien upon a part of the bankrupt's property, may have an order for its being sold, and the produce applied in payment of his debt and costs, which, if insufficient, will then be admitted as a creditor under the commission for the deficiency.

A creditor obtaining goods of the bankrupt a few days before he failed, and on suspicion that he was

about to do so, will not be allowed to prove without giving up the goods.

Where effects are assigned or deposited as a security generally, without any specific appropriation, he will not be obliged to apply such effects in liquidation and diminution of the debt proveable under the commission; but on the contrary, the debt accruing after the bankruptcy will be allowed the preference.

Although after issuing the commission the creditors have no other remedy against the effects, they are not therefore deprived of their right, before the bankrupt obtains his discharge, to proceed against his person as before, and are still at liberty either to come in, take a proportionable benefit under the commission, or to proceed against the person in the ordinary course of law. But they are not allowed at the same time to come in under the commission and to sue the bankrupt at law.

It has long been settled, that it is no determination of a creditor's election to take under the commission, that he has been chosen as assignee without proving any debt, or that he has actually proved his debt and chosen himself assignee, or even that he has proved his debt, been chosen assignee, and received dividends; but in all such cases he will still be allowed, upon waving his proof and refunding the dividends, to pursue his legal remedy against the person of the bankrupt. And it is the same with respect to bail, unless where the creditor has acquiesced in his remedy under the commission, so as to give the bail reason to believe that he had abandoned his remedy at law. But where the action is brought after the bankruptcy, the bail will be allowed to proceed in his action as in other cases, on refunding the dividend he has received.

If the creditor has taken the bankrupt in execution before the commission issued, that will be an election to abide by his remedy at law; and such a creditor may still come in under the commission, upon condition of discharging the bankrupt out of execution. But if he take the bankrupt in execution after the bankruptcy has issued, this is making a conclusive election, and he is not permitted to prove, though he would discharge the bankrupt from execution. A creditor, however, proceeding at law either in the first instance, or after proving his debts, may still,

on releasing any benefit under the commission, have an order to be admitted or continued a creditor under it, for the purpose of assenting to or dissenting from the certificate.

The petitioning creditor is considered as having determined his election by taking out the commission, and is not allowed afterwards to proceed at law for any demand.

With respect to the time at which a bankrupt is entitled to apply for an order to put a creditor to his election, the present practice requires, either that a dividend should have been declared, or at least that the assignees should have funds sufficient to make one. With respect to the creditor, it has been not unusual to make him elect before any dividend declared, and even before any dividend could regularly be made.

A surety, having no absolute counter-security, cannot come in as a creditor directly in his own right, unless he has paid a sum after the bankruptcy of the principal. Yet if the creditor has proved the debt before calling on the surety, the court will direct that he shall stand as a trustee for such surety, and allow the latter the benefit of the principal creditor's proof, and receive dividends upon it; but as that no more shall be paid than twenty shillings in the pound upon the whole debt. But the creditor cannot be thus turned into a trustee for the surety to the prejudice of any right the former may have against the principal debtor's estate on a farther and distant demand; and in that case the surety will only be allowed such part of the dividend as will remain after allowing out of it to the principal creditor as much as will make up the proportion which he would have received on the residue of the debt proved beyond the debt to the surety, if this debt had been expunged.

If a banker, having money of the bankrupt in his hands, pay it after notice of the act of bankruptcy, he will not be permitted to stand in the place of the creditors so paid.

It sometimes happens, after a creditor has made his proof, that, either from a disclosure of facts not before known or understood, it appears it ought not to have been admitted, or at least not to the extent, or that from a change of circumstances the state of

the debt proved is materially altered; and in such cases it becomes necessary, either to expunge it altogether, or make some reduction of the proofs. Thus, if any bills proved and accepted as securities by a creditor who discounted them to the bankrupt, or took them as a security for a general balance, are afterwards paid in full, or in any ways fully satisfied, the amount of such bills cannot be deducted from the proof, and the future dividends paid only on the residue of the debt.

If the commissioners entertain a reasonable doubt whether a creditor, from absence or uncertainty of the balance due, ought to be admitted to prove, or think the circumstances of the debt require a further investigation, they allow him to enter a claim, by which he has the advantage of a dividend being reserved upon his claim in the mean time, and of being entitled, as soon as his debt is ascertained and his proof admitted, actually to receive such dividend, equal with the rest of the creditors, without the trouble and expence of an application for that purpose to the court of chancery.

*Of the assignees.* It is sometimes necessary, in order to prevent the effect of an extent at the suit of the crown, for the commissioners to make a temporary assignment to a provisional assignee, who is to join with the commissioners in assigning to the assignees chosen by the creditors. Immediately after declaration of the bankruptcy, the commissioners are to appoint a time and place for the creditors to meet, in order to choose assignees, and are directed to assign the bankrupt's estate and effects to such persons as shall be chosen by the major part in value, according to the several debts then proved, of such creditors whose debts amount to the sum of 10*l.* or upwards.

The powers and duties of assignees are principally those of collecting the bankrupt's property, reducing the whole into ready money, and making distribution as early as possible; keeping distinct books of account open to the inspection of creditors who have proved their debts; and producing and verifying their accounts before the commissioners, when required, upon oath. It is not required that the assignees should have the authority of the creditors to commence suits at law; but no suit in equity can be commenced without the consent of the majority



in value of the creditors present, at a meeting advertised for that purpose in the London Gazette; and they are directed to proceed in the same manner with respect to the submitting differences or disputes between them and other persons to arbitration, and the making of compositions with debtors to the estate at such meeting. Creditors are not warranted to give assignees a general authority for bringing suits, or submitting differences at their discretion, but each particular case must be specifically considered and authorized. They are not responsible for losses happening by necessary acts as trustees; but if they employ an agent they are liable for his acts. At the same time, if in appointing an agent they act conformably to the common usage of business, as in employing a broker to sell the effects for them by auction, they will not be answerable, though he receives the money, and afterwards become insolvent. One assignee is not answerable for the neglect of another.

Assignees, if they act improperly, are not only liable at law to the creditors for a breach of trust, but they may also be removed on account of corruption or misbehaviour, or for want of sufficient substance or credit, on application by petition to the lord chancellor.

None of the statutes prescribe any specific form of assignment; but those of Elizabeth and James direct it to be by deed indented and inrolled within six months, as to estates tail; but personal estates may be assigned by deed without inrolment. Copyhold, like other real estates, may be assigned by bargain and sale; but the statute restrains the vender from entering and taking the profits till he has compounded with the lord for his fine.

With respect to stock to which the bankrupt may be entitled, it is by the 36 G. III. c. 90, enacted, that if a bankrupt refuse to transfer stock standing in his name in his own right, the lord chancellor may, on petition of the assignees, order it to be transferred.

For real estate coming to the bankrupt after the assignment and before his certificate there must be a new conveyance; but a subsequent assignment is not necessary for future personal estate.

Upon the removal of an assignee, he is directed to join with the remaining one in the assignment to the latter and the new assignee.

The commissioners may dispose of an advowson, but cannot sell the void presentment of a church. A bankrupt's moiety of an estate in joint-tenancy may be sold for the benefit of the creditors. The assignment passes the bankrupt's personal estate, though out of the British dominions.

Assignees shall take a bankrupt's property in the same condition as the bankrupt himself had it; they are bound by all acts fairly done by him in relation to his property.

If the bankrupt mortgage several estates, and one of them prove deficient, and the other more than sufficient, the mortgagee will be entitled as against the assignees, if they would redeem one, to make them redeem both.

Although a chose in action cannot strictly be assigned at law, yet if a bankrupt, before his bankruptcy, for a valuable consideration, assign to a creditor a debt due to the bankrupt himself, such assignment will be supported against the assignees under the commission, either in a court of equity or of law.

By 2 and 3 G. II. mutual debts between the bankrupt and his creditors are to be set against each other. Consistently with the rule by which no creditor whose debts do not accrue before the bankruptcy is relieviable under a commission, and also upon the express words of the statute relative to mutual debts and credits, none can be set against each other by way of set-off, unless where each debt or credit respectively accrued or was given before the bankruptcy.

Debts certainly payable at a future day, though after the bankruptcy, may be set-off as mutual debts within the 5 G. II.

A bankrupt having before his bankruptcy agreed with a person who was surety for him by bond, that the latter should retain out of any money due by him to the bankrupt whatever he should pay on the bond, the surety was allowed to set off what he paid upon the bond afterwards. 5 T. R. 133. But in the case of *Atkinson v. Elliot*, 7 T. R. 378, where a vender of several parcels of goods sold to the bankrupt, for which the latter gave his acceptance, payable at different times, having received of the bankrupt at the time one of them became due, before the bankruptcy, a bill of exchange for a greater value, and  
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given an undertaking to pay over the difference when received, was allowed to retain it for the debt due to him upon the other parcels, which were not paid for at the time of the bankruptcy, this being held to constitute a mutual credit. And in some cases of actual fraud, if the assignees bring assumpsit, the party may have the benefit of a set-off, which he could not have had if they had sued as for a part. *Smith v. Hodson*, 6 T. R. 211.

An executor cannot set off against a debt due from himself on his own account to the bankrupt, and debt due from the bankrupt to the testator, the debts due in different rights, nor even though the executor is also residuary legatee. Nor can a debt due from the assignees in their own right after the bankruptcy, be set off against a debt due to the bankrupt before it, nor a debt due from the bankrupt before the bankruptcy against one due to the assignees after it.

Where a debtor of the bankrupt before the bankruptcy becomes a creditor, by procuring a debt from the bankrupt to be assigned to him after the bankruptcy, a creditor upon a bill of exchange of the bankrupt's, indorsed to him before the bankruptcy, may set off against a debt due from him to the bankrupt for goods bought after the indorsement, and also before the bankruptcy, though the bankrupt did not know that the bill was indorsed to, and in the possession of the party at the time. But it is otherwise, if it comes into his possession after the bankruptcy.

The statutes limit the power of the commissioners to that of transferring to the assignees such interest only as the bankrupt himself had in his property, and as he might lawfully himself have disposed of for his own benefit.

The assignees can dispose only of the legal or equitable interest of the wife's property, acquired by the husband by marriage. The rents and profits of his real estate they take during the coverture; but the personal chattels in possession absolutely, and her chattels real and *choses* in action, terms, mortgages in fee or for years, debts, legacies, and possibilities, in the same manner as they are vested in the husband, or such interest therein as he could have assigned or released.

If the wife is a sole trader, carrying on separate

trade, according to the custom of London, the assignees of the husband cannot take her effects in her separate trade. But wherever the property cannot be obtained without the aid and intervention of a court of equity, that court will not assist the assignees, or allow them to take the property but upon the same terms as the husband himself, in whose place the assignees stand.

Such property as the bankrupt holds merely and *bona fide* as a trustee for others, does not come under the disposal of the commissioners, *Kirk v. Egginton*, 1 T. R. 370; nor what he takes as executor or administrator, whether specific effects or money, if it can be ascertained to belong to the testator.

As soon as a commission is entered, and a trader has been declared a bankrupt, the commissioners may assign every thing that he had in himself, or such interest as he might lawfully dispose of.

The legal property, however, remains in the bankrupt himself, though so bound by the act of bankruptcy, that it cannot be altered till assignment by the commissioners: when these have executed their power by assignment, the property is then vested in the assignees by a relation from the time of the act of bankruptcy, so as to avoid all alienations of it made after that time.

The assignment avoids all conveyances of a bankrupt's property made after the act of bankruptcy. No lien on the bankrupt's property can be acquired after the act of bankruptcy, and not even after the first arrest in the case of lying two months in prison. A bankrupt cannot apply any part of his effects, even for the necessary maintenance of himself and his family, without the consent of his assignees. The excepted cases are the receipt of debts without notice, payments in the course of trade, and purchases where no commission is sued within five years.

By the 1st James, no debtor of a bankrupt shall be endangered by the payment of his debt *bona fide*, before such time as he shall understand or know that he is become a bankrupt; and by 19 G. II. no creditor for goods sold to the bankrupt, or for bills of exchange drawn, negotiated, or accepted by him in the usual course of trade, shall be liable to refund to the assignees any money which, before issuing the commission,

commission, was *bona fide*, and in the usual course of trade, received by such creditor before notice. Payments made without notice are protested, but no payments are protested if made after a commission issued, though the party should not actually know of it. The stat. of the 19 G. II. relates expressly to payments made before the suing forth of the commission.

In the case of lying two months in prison upon an arrest, the relation will avoid a payment made with notice of the bankrupt being in prison, though at the time of the notice the act of bankruptcy is not complete, the two months not being expired. *King v. Leith*, 2 T. R. 141.

By 19 G. II. not only the payment must be in the ordinary course of trade, but the debt must be in respect of goods sold to the bankrupt, or of bills drawn, &c. by him in the ordinary course of trade.

The 19 G. III. is not only specific as to the ground of the debt, but seems also to relate only to payments in money. And on this ground, where a debtor to a bankrupt having, after an act of bankruptcy to which he was not privy, accepted bills to the amount of his debt, and having delivered them to the bankrupt, paid the money on his acceptances to a third person, though after a commission had issued, it was held a good payment.

All judgments, statutes, or recognizances, affecting lands or goods, attachments by the custom of London, &c. obtained or made after an act of bankruptcy, and all executions or extents not executed till after that time, though proceeding upon judgment, &c. obtained before it, are void against the assignees.

Where the act of bankruptcy is by lying two months in prison, any executor after the first arrest, though before the act of bankruptcy be complete by the expiration of the two months, is avoided by the relation.

The assignment under a commission in England vests in the assignees all the debts and other personal effects of a bankrupt in a foreign country.

An extent for the crown will bind the effects of a bankrupt for the debt of the crown, if tested at any time before actual assignment. If an extent be tested the same day an assignment is executed, the crown is preferred. An extent tested before the fiat or award

of it by the court is irregular; and if the fiat be subsequent to the assignment, the assignment will prevail against the extent tested before the fiat. A seizure under other process for a debt to the crown, or under a warrant of commissioners of the land tax, for land tax money in the hand of the collector, creates a lien before actual assignment.

If the act by which the property is intended to be transferred, be not completed before the commission issued, the intervention of the act of bankruptcy will generally avoid it.

Where the owner of goods or lands cannot, by his own act, controul a gift or a charge which he has made, it will not be defeated by his becoming a bankrupt.

If a trader for a valuable consideration before his bankruptcy assigns goods at sea, it will be good against the assignees.

In cases of sale, where goods are delivered immediately to the vendee, the contract, by the delivery on the one hand and acceptance on the other, is complete. But when the goods are not delivered immediately to the vendee, but to a third person, as a trust for his use, there the contract is not complete, but remains open, and may be countermanded by either party; and an act of bankruptcy in the vendor intervening before actual delivery to, or assent of the vendee, operates as a countermand by the vendor, and the property will vest in his assignees. But if goods be actually delivered and accepted before the bankruptcy, the parties cannot after, in contemplation of an insolvency, put an end to the contract, as if it had never taken effect. *Barnes v. Ireland*, 6 T. R. 80.

If a vendor, after contracting to sell for ready money, deliver the goods without demanding it, an act of bankruptcy in the vendee intervening before the delivery, will not avoid the sale by the non-payment of the money; for the sale is made complete by this act of the vendor himself, which vests the property in the vendee as a complete sale *ab initio*, without ready money. 5 T. R. 251.

It has been held, in the question of what property a bankrupt has in future effects, after a second commission, under which he has not paid 15s. in the pound, that though the future effects are liable to be seized

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for the benefit of creditors, yet the bankrupt has, in the mean time, such a qualified property as enables him to transact and sell to a *bona fide* purchaser. *Str.* 1207.

The assignees are not entitled to the profits arising from a bankrupt's personal labour after the bankruptcy, or at least, whatever title the assignees might have, that the bankrupt himself is entitled as against all other persons, that he might sue for them in his own name; and no stranger who contracted with him can avail himself of the plea of bankruptcy in the plaintiff.

With respect to property acquired by a bankrupt after a second commission, it seems to be settled that the absolute property of the future personal estate of an uncertificated bankrupt, without the necessity of a new assignment, is vested immediately in his assignees, who may claim and seize it for the benefit of the creditors; but that in the mean time, a special property subsists in the bankrupt sufficient as against every person except his assignees, and which enables him to convey a title to third persons, subject to be disaffirmed by the assignees. At the same time, where the assignees and creditors under a commission sell the effects to the bankrupt himself, and suffer him, without claim or interruption, to continue in trade, in the course of which he acquires property and incurs new debts; this, though it may not discharge such future effects absolutely as between the bankrupt and the assignees and creditors under the commission, yet as between the two sets of creditors it falls within the principle, that a man who having a lien stands by and lets another make a new security, shall be postponed, and the new creditor preferred. *Traughton v. Getling, Amb.* 430.

Effects coming to the bankrupt after the signature, but before the allowance of the certificate, belong to the assignees for the benefit of the creditors. *7 T. R.* 296.

All alienations of property made in contemplation of bankruptcy, though without deed, if they be made voluntarily to prefer a particular creditor, are void, as a fraud on the general spirit and policy of the bankrupt laws; and this though made for a valuable consideration, and *bona fide* as between the parties, and although the insolvency or embarrassments of the

bankrupt be not known to the creditor, and though the act of delivery or transfer of the property be completed before the bankruptcy.

But if the preference is not the mere voluntary act of the party, but done in the ordinary course of business, and on the application of the creditor, it will not be void though made the very moment before an act of bankruptcy committed, and where the preference is consequential.

*Provisions for wife, children, &c.* By the statute of Elizabeth, the commissioners may assign any lands, tenements, and hereditaments that the bankrupt shall have purchased or obtained for money or other recompence jointly with his wife, and the assignment shall be effectual against the bankrupt, his wife or children; but this shall not extend to conveyances made before the bankruptcy *bona fide*, and not to the use of the bankrupt himself only, or his heirs, and where the parties to the conveyance are not privy to the fraudulent purpose to deceive creditors.

By the statute of James, any lands or goods conveyed by the bankrupt, or by him procured or caused to be conveyed to any of his children or other persons, or debts transferred by him in other men's names, may be disposed of by the commissioners in as ample a manner as if he had been actually possessed thereof, or the debts were in his own name, of the like estate or interest to his own use; and such disposition shall be good against the bankrupt, his heirs, executors, administrators, and assigns, and such children as are subject to the statute, and all others claiming under the bankruptcy, or those to whom such conveyance is made, except the same shall be conveyed for or upon marriage of any of his children, both the parties married being of the years of consent, or for some valuable consideration.

To make a conveyance fraudulent as to creditors under the 13th Elizabeth, c. 5, it must appear that the party was indebted at the time of executing the deed or immediately after, *Bull. N. P.* 257. but it is sufficient to bring a conveyance within the statutes that the deed be voluntary, that is, not for a valuable consideration.

If a settlement be made before marriage, though without a portion, it will be good; and it is equally so though after marriage, provided it be on payment of money



money as a portion, or a new additional sum of money, or even an agreement to pay money, if it is afterwards paid pursuant to the agreement, or if the wife joined in selling some part of the land. And in like manner, if a brother, having money belonging to his sister in his hands, refuse to pay it to her husband unless he will make a settlement upon her, such settlement will not be fraudulent.

By st. 21 James I. it is enacted, that if any person, at such time as he shall become bankrupt, shall, by the consent and permission of the true owner and proprietor, have in his possession or disposition any goods and chattels whereof he shall be reputed owner, and take upon him the sale, alteration, or disposition as owner; the commissioners shall have power to sell and dispose of the same for the benefit of the creditors, seeking relief under the commission, as fully as any other part of the estate of the bankrupt.

Chattel interests in lands, as terms for years, and even personal chattels fixed to the freehold, which are looked upon as part of the real estate to which they are annexed, and pass by the same conveyance with it, are, in relation to this statute, considered on the same footing with real estate properly so called, and exempted from its operation. But it is otherwise with respect to moveable goods and chattels, which pass by delivery, and of which, where the property is transferred, the delivery and possession is generally the strongest and most essential evidence of the title.

With respect to conveyances of chattels generally, it has been laid down as a rule that the possession ought to accompany and follow the deed, and therefore, that continuing in possession after an absolute conveyance will be fraudulent against creditors, either generally, or in cases under this statute. But if a conveyance be conditional only, to take effect on the performance of a condition at some future time, it will not be fraudulent or void for the party's continuing in possession till the consideration be performed.

A nominal delivery of possession has been allowed where the goods were at the time of the conveyance already on the premises of the person to whom the conveyance was made. *Monton v. Meer*, 7 T. R.

*Of ships or their cargo at sea*, the property is considered as effectually transferred by a delivery of the muniments in the case of a ship, or the bills of lading, policies of insurance, invoices, &c. But if a ship be at home at the time of the conveyance, or returning into port afterwards, actual possession must be taken, otherwise it will be exempt from the statute, even though the grand bill of sale be delivered; but of a share of a ship the delivery of the bill of sale has been held sufficient, although the ship was not at sea.

*Closes* in action also, which from their nature will not admit of corporal possession or delivery, are held to be equally within the statute. If there are no securities, as in the case of book debts merely, notice alone is sufficient, there being nothing that can be delivered.

If, for the express purpose of supporting a trader's credit, one places goods in his hands, and permits him to dispose of them as his own, such a case is within the statute. But it does not extend to goods of which the bankrupt has the possession and disposition in the capacity of executor, administrator, or trustee. It does not extend therefore to a possession under a bare authority to sell for the principal, as in the case of a factor generally. The same principle applies with respect to bankers; to tradesmen who receive goods to be worked up for their employers; and to all persons generally having possession of the goods of others, merely and *bona fide* for the purpose of executing some particular trust or employment with respect to them.

The possession which a husband living with his wife has of the separate property of the wife, so vested in trustees for their separate use, is not sufficient to bring a case within the statute, unless accompanied by other circumstances to shew that the trustees permitted the husband also to have the order and disposition of it. If it is settled upon her to enable her to carry on a separate trade, in which the husband is not suffered to intermeddle, it will not be within the meaning of the statute; but it would if he carried on the trade in his name, and obtained credit upon it, or if the trade was carried on by both.

The possession of stock and implements of trade, especially of the same trade which the bankrupt himself carries

carries on, must always afford a strong presumption of ownership, and is generally a principal foundation of the credit he obtains. But with respect to furniture in a house, the use and real ownership in such things are so well known to be frequently in different persons, that the mere possession is too equivocal from which to infer a reputation of ownership, without other evidence of the nature and character of the possession.

Under particular circumstances, however, furniture may come within the statute as well as any other sort of property. Where the bankrupt kept a coffee-house, and a creditor, after taking in execution all the household-furniture and other articles belonging to the coffee-house, but without moving them, let them again by lease to the bankrupt for a term of years, at a certain rent, and who accordingly continued in possession for several years after, till the time of the bankruptcy, the assignees were held to be entitled to the property under this statute, the bankrupt, under these circumstances, being in such possession as necessarily to create a reputation of ownership. *Lingham and Briggs, Pull, and Bos. 82.*

*Examination of the bankrupt.* By the 5th Geo. II. the commissioners have a full and general authority to examine all persons whatever. In general, where the statutes have given a power to examine, they have at the same time directed the examination to be on oath.

By the said statute the commissioners are empowered to examine the bankrupt, and all others, as well by parole as on interrogatories in writing.

By the statute of James, the commissioners may examine the bankrupt touching his property of every kind, securities, and books of account, as may tend to discover his estate, or secret grants and conveyances, for the purpose of hindering the execution of the statute, or of defrauding his creditors; and he is required to disclose on his examination, and deliver up to the commissioners, all such estate and effects so fraudulently conveyed, or kept or detained by him, or by his means.

The 5th Geo. II. requires him to discover all his estate and effects, and how, and to whom, and in what manner, on what consideration, and at what time he has disposed of it; and all books, papers, and

writings relative thereto, of which he was possessed or interested, or whereby he or his family may expect any profit or advantage, except such part of his estate and effects as have been really and *bona fide* sold and disposed of in the way of his trade, and also such sums of money as shall have been laid out in the ordinary expence of his family. And he is required, on such examination, to deliver up to the commissioners all his effects (except his necessary wearing apparel, and that of his wife and children), and all books, papers, and writings relating thereto, as at the time of his examination shall be in his possession, custody, or power.

Persons suspected of concealing or detaining any part of the property, may be examined as to all goods and chattels suspected to be in their custody, or debts supposed or suspected to be detained for the benefit of the bankrupt. The wife also of the bankrupt may be examined for the discovery of his estate and effects concealed or disposed of by her in her own person, or by any other person. So all persons accepting of any secret trust to conceal or protect any of the estate, real or personal, from the creditors, are required to discover it, and submit themselves to be examined by the commissioners; and, as an inducement to persons acquainted with any concealment of the bankrupt's property to come forward, an allowance of five per cent. and such further reward as the assignees and creditors shall think fit, out of the property discovered, is held out to every person who at any time after the time allowed for the bankrupt's surrender and conformity, shall voluntarily come and make discovery to the assignees or commissioners of any part of the bankrupt's estate not before come to the knowledge of the assignees.

The 5th G. II. gives the commissioners a power to examine the bankrupt himself as to all matters relating to his property, trade, and dealings, and also to invest them with a general authority to examine all other persons touching matters relating to the person, trade, dealings, estate, and effects of the bankrupt, and any acts of bankruptcy.

By 5 Geo. II. c. 30, the bankrupt is allowed forty-two days, within which he is to surrender and submit himself to be examined from time to time; and the commissioners are directed to appoint not less than  
three

three several meetings for that and the other purposes mentioned in the act, the last of which meetings shall be on the forty-second day which is limited for the bankrupt's appearance. But the lord chancellor is empowered to enlarge the time for the bankrupt's surrender, not exceeding fifty days, to be computed from the end of the said forty-two days.

Although the bankrupt, by a surrender on the forty-second day, or day to which it is enlarged, will not be subjected to a penalty, even if he may not have surrendered at any of the previous meetings, and is seldom expected or required to make a complete discovery before that time, yet it is necessary for him to appear as early as possible, either at the previous public meetings, or at any private meeting of the commissioners, in order to assist the commissioners and assignees in discovering his property, and ascertaining the state of his affairs.

And if at any time between his being declared a bankrupt and the time appointed for his public surrender, the commissioners think it necessary for the benefit of his creditors to examine him, they may summon him before them for that purpose in the intermediate time, and examine him at their discretion; and they may adjourn his examination until he has made full answer to their satisfaction.

The chancellor cannot enlarge the time for surrender beyond the 50 days, so as to save the felony, but he can make an order for taking his examination in any case where either the bankrupt himself, by an innocent default, has neglected to surrender, or where, from the absence of commissioners, his surrender could not be taken; but not where his default has been wilful.

*With respect to his privilege from arrest.* By the 5th Geo. II. the bankrupt shall be free from all arrest in coming to surrender, and from his actual surrender to the commissioners for and during the forty-two days, or the further time allowed for finishing his examination, provided he was not in custody at the time of his surrender and submission; and if he be arrested for debt or on any escape-warrant coming to surrender, or if after his surrender he be so arrested within the time before mentioned, then, on producing the notice or summons, under the hands of the commissioners or assignees, to the officer, and giving

him a copy, he shall be immediately discharged, with a heavy penalty on the officer if he detain him.

This privilege is limited to the bankrupt's coming on purpose to surrender, and does not become a general privilege for the remaining forty-two days or enlarged time, until actual surrender and submission to the commissioners. *Kenyon v. Salomon, Cowp. 156.* A reasonable time, however, must be allowed the bankrupt for executing his intention to surrender.

The commissioners may enlarge the time for taking the bankrupt's last examination after his first surrender, and he will be privileged from arrest within the time so enlarged.

The arrests to which this privilege extends are by creditors for debts. But the statute expressly excepts the case where the bankrupt is in custody before surrender, and therefore bail taking the bankrupt to surrender him in discharge of themselves, is no contravention of the act. The protection of the bankrupt ceases after he has surrendered and finished his examination, and there is no express provision for his attendance on the commissioners after that time.

*Books and papers.* By 5 Geo. II. c. 30, the bankrupt is entitled, before the expiration of the forty-two days or enlarged time, to inspect his books and papers in the presence of the assignees or some person appointed by them, and make such extracts as he shall deem necessary.

The assignees may, previous to his last examination, require the bankrupt to deliver up, upon oath, before a master in chancery or justice of the peace, all his books of accounts, papers, and writings not before delivered up.

Even after the bankrupt has obtained his certificate, he is obliged to attend and assist the assignees in adjusting or settling accounts, or to attend a court of record, to be examined respecting them, or for such other business as by the assignees shall be judged necessary for collecting his debts.

*Power of commissioners in case of contumacy.* The statutes empower the commissioners to enforce their authority by commitment of the party, and the cases particularly specified in the act are, 1st, persons refusing to attend on the commissioners' summonses; 2d, refusing to be examined; or to be sworn; or to sign

and subscribe their examination, or not fully answering to the satisfaction of the commissioners.

Commissioners of bankrupts have only a limited authority, under particular acts of parliament, which they must strictly pursue. They cannot commit for punishment, but only till the party submit to their authority, to be examined, &c.

If the bankrupt, after the commission is opened, and at any period before the examination is terminated, refuse to attend on summons for that purpose, the commissioners may certify that the commission is issued, and the party proved before them to be bankrupt, and on such certificate, any of the twelve judges, or any justice of the peace, is required to grant a warrant for apprehending the bankrupt, and conveying him to prison till removed by the commissioners' warrant, in order to be examined.

The judge, on the commissioners certifying that the bankrupt refused to attend, is obliged to commit him, although the particular cause for which he was summoned does not appear in the certificate.

General answers are not sufficient to questions which require and admit of a full and particular answer, such as to account for the disposal and application of large sums of money. But mere prevarication is not sufficient ground for a commitment. Where any person is committed for refusing to answer, or not fully answering, any questions put to him by word of mouth or interrogatories, the commissioners shall specify such questions in their warrant of commitment.

A commitment till the party shall conform himself to the authority of the commissioners generally, or a commitment till he shall be discharged by due course of law, or till he shall full answer make to all questions put to him, are all bad.

By § G. II. it is provided, that if on the return of the *habeas corpus*, to be discharged from all commitment, any such insufficiency shall appear in the form of the warrant, whereby the party might be discharged, the court shall remand the party till he shall conform, unless it be made appear that he has fully answered all lawful questions put to him.

*Of the certificate.* By the § G. II. a bankrupt surrendering, making a full discovery, and in all things conforming to the directions of the act, may, with

the consent of his creditors, obtain a certificate. If the commissioners certify his conformity, and the same be allowed and confirmed by the lord chancellor, his person, and whatever property he may afterwards acquire, from all debts owing by him at any time he became bankrupt, will be discharged and exonerated.

No bankrupt is entitled to the benefits of the act, unless *four parts in five*, both in number and value, of his creditors, who shall be creditors for not less than 20*l.* respectively, and who shall have duly proved their debts under the commission, or some other person by them duly authorized, shall sign the certificate, and testify their consent to his having the benefit and being discharged in pursuance of the act.

The creditors who are entitled to sign are all left perfectly at liberty to do it or not as they choose; there is no way of compelling them; and as the signing is optional in the creditors, so it is discretionary on the part of the commissioners; but the statute expressly prohibits them from signing the certificate until it has been signed by the requisite number and value of the creditors.

After the certificate has been signed by the commissioners, with an affidavit by the bankrupt that it was obtained fairly and without fraud, it must be laid before the chancellor, to be by him allowed and confirmed.

Before the allowance of the certificate any of the creditors may be heard before the lord chancellor, or such two of the judges to whom he may refer the consideration of it, against its allowance.

The chancellor will frequently postpone the allowance of the certificate for a variety of purposes, but chiefly to afford the creditors, who from various causes may not have had sufficient opportunity of inquiring into the conduct of the bankrupt, sufficient time for coming in under the commission to prove their debts, so as to have a voice in granting or withholding the certificate. But the certificate will not be staid on application of any one that has not either proved a debt or does not shew a *reasonable* ground for a claim.

Where the commission is laid before the lord chancellor, the statute requires that the bankrupt should



should make an affidavit that it was obtained fairly and without fraud.

Any fraud in obtaining the allowance of the lord chancellor is equally within the act as a fraudulent obtaining of the signature of the creditors; and if some creditors are induced by money to sign, though the bankrupt does not know of it at the time of signing, nor when he makes the necessary affidavit to obtain the lord chancellor's allowance, yet if he knows it before it is actually allowed, and does not disclose it, the certificate is void.

All securities given for money to induce creditors to sign the certificate are void; and neither the payment can be enforced in an action, nor money paid be retained, but may be recovered back in an action for money had and received.

A certificate will be no bar in an action brought by a creditor, if the creditor can make appear any concealment by such bankrupt to the value of 10l.; but on the other hand, the bankrupt may shew that the concealment was not wilful or fraudulent. Neither shall the bankrupt have any benefit by the certificate, if upon the marriage of any of his children he shall have given above the value of 100l., unless he shall prove by his books, or otherwise upon oath before the commissioners, that he had at the time, over and above the value so given, sufficient to pay all his creditors their full debts; or if he shall have lost at any game, or by having a share in the stakes, or betting on either side, the value of 5l. in one day, or the value of 100l. in the whole, within the space of 12 months next preceding his becoming bankrupt; or if within one year before he became bankrupt, he shall have lost the sum of 100l. by any contracts, with respect to any stock of any company or corporation, or shares in public funds or securities, where the contract was not to be performed within a week after making it, or where the stock was not actually transferred or delivered in pursuance of the contract.

If the bankrupt has obtained no certificate under a first commission, a certificate under the second will be of no avail; for such second commission against an uncertificated bankrupt, and all proceedings under it, are void.

Although a bankrupt is discharged by a certificate regularly obtained, he may preclude himself from the

benefit of it, by making himself liable on a new promise.

The certificate, when allowed, discharges the bankrupt from all debts due or owing by him at the time he became bankrupt.

If the sureties of a bankrupt pay the debt for him before his bankruptcy, they may come in under the commission, and in that case, whether they prove it or not, his debt to them will be discharged by his certificate; but the certificate will not discharge the sureties, who will still remain liable to the principal creditor. But with respect to bail, who are entitled to surrender the principal in discharge of themselves, the rule laid down is, that if the certificate is allowed before they are fixed, they are discharged along with the principal.

Where the party has an election to shape his demand in different ways, as either on contract or in tort, if he bring an action on contract, and the demand is of such a kind as was capable of being ascertained before the bankruptcy, it will be barred by the certificate; but if waiving that, he sues in tort for uncertain damages, the certificate will be no bar.

The bankruptcy does not discharge him from an express personal covenant, although by the bankruptcy and assignment under the commission he is divested of all his property. His certificate is a bar to an action of debt for rent accrued before his bankruptcy, nor will he be liable in an action of debt for rent accrued, subsequent to the bankruptcy, and assignment under the commission.

The certificate generally operates as a discharge both of the person of the bankrupt and of his future effects.

But if a commission shall issue against any person who has been before discharged by virtue of the act, or compounded with his creditors, or delivered to them his estate and effects, and being released by them, or being discharged by any act for relief of insolvents; the person only of the debtor shall be free from arrest, and not his effects, except tools of trade, necessary household furniture, and wearing apparel of him and his wife and children; unless the estate of such person against whom the commission shall be awarded, shall pay every creditor under the commission fifteen shillings in the pound.

Creditors who have signed the certificate under a

second commission, may still recover the future effects on a *vice facit*.

A certificate obtained in Ireland will operate as a discharge in an action brought here upon a debt arising in Ireland; but not so a certificate in Scotland.

If a bankrupt be sued for any debt due before he became bankrupt, he shall be discharged on common bail, and may plead that the cause of action accrued before the bankruptcy, and give the act and special matter in evidence.

If after the bankrupt has obtained his certificate he is taken in execution on judgment obtained before the certificate was allowed, he may, on application to any one or more of the judges of the court wherein the judgment of execution against him has been obtained, and on producing his certificate, be discharged out of custody on such execution.

But the court will not discharge the bankrupt upon motion, if his conduct appear to be fraudulent.

*Of the dividends, allowance, and surplus.* The assignees are allowed four months from the date of the commission to make a dividend; and as soon after that time as circumstances will admit a dividend ought to be made. It is their duty to apply to the commissioners to appoint a meeting for that purpose, and the commissioners may summon the assignees, to shew cause why a dividend has not been made; and if they do not shew cause satisfactorily, the commissioners may appoint such meeting.

An assignee who has neglected to make a dividend in proper time may be charged with interest, though the money has lain at a banker's, and he has not been paid interest for it; but not the executors of an assignee, they being not expected to pay till called upon.

On the declaration of a dividend, a creditor may either apply to the lord chancellor by petition for an order on the assignees to pay, or he may recover it of the assignees at law in an action of assumpsit.

An assignee being a trustee only, must not blend his private affairs with those of the commission, and is not allowed, therefore, to stop a creditor's share of a dividend for his own private debt.

*Allowance to the bankrupt.* By 5 G. II. c. 30, every bankrupt surrendering, and in all things conforming to the directions of the act, shall be allowed five per cent. out of the nett produce of his estate, provided

such nett produce, after the allowance is made, be sufficient to pay the creditors who have proved their debts ten shillings in the pound, and so as the said five per cent. shall not on the whole exceed 200l. In case of his estate in like manner paying 12s. 6d. in the pound, he shall be allowed seven and an half per cent. so as not to exceed 250l.; and if his estate pay 15s. in the pound, he shall be allowed ten per cent. so as not to exceed 300l. But the bankrupt is not entitled to such allowance till after a second dividend, nor can he be entitled to it till he has obtained his certificate.

*Of the surplus.* The commissioners are, on request of the bankrupt, to give a true and particular account of the application and disposal of his estate, and to make payment of the overplus, if any, to the bankrupt or his representatives; and he is also authorized to recover the outstanding debts.

But although the certificate discharges the person and effects subsequently acquired by the bankrupt, it will not discharge the fund in the hands of the assignees, which, if it should become so productive in their hands as to pay 20s. in the pound with a surplus, it still remains liable to the creditors until they are completely satisfied, and so long the creditors have a right to retain it.

*Of actions by and against the bankrupt.* Although after an act of bankruptcy the acts of the bankrupt, in relation to his property, may be voided by the assignees, the bankrupt is nevertheless still capable of maintaining actions, and no one can take advantage of him by plea of his bankruptcy before the commissioners and assignment under it, the legal property remaining till actual assignment in the bankrupt himself. And notwithstanding he may have been declared a bankrupt by the commissioners, he may nevertheless contest his bankruptcy in an action against the assignees or others acting under the commission. He may even submit to his commissioners in the first instance, yet still protesting that he is no bankrupt, he may bring an action against his assignees; or he may make an application to the lord chancellor, who can either direct an inquiry before the master of such damages, or an issue at law; and after the damages have in either way been ascertained, the chancellor may then, for the better recovery thereof, order the bond to be

assigned; or in a very flagrant case, without any previous inquiry, he may assign the bond in the first instance. Even after a commission has been regularly taken out, the bankrupt is not disabled from maintaining actions to recover property which he has acquired subsequent to the bankruptcy. The bankrupt may in his own right maintain an action of trover for goods acquired after the bankruptcy against a stranger, and assumpsit for the profits of his personal labour, and materials found incident and necessary to that labour, and even for money lent and advanced, it being presumed, that being after the bankruptcy, it might be money earned for his labour; and he may continue to carry on suits as an attorney; he nevertheless, till he has actually obtained his certificate, is liable to be sued and arrested by his creditors, though they have come in under the commission; and as a court of law will not upon that ground interpose to discharge him, he must apply to the court of chancery.

Neither will a court of law discharge him from an execution at the suit even of the petitioning creditor, the proper jurisdiction being the court of chancery.

*Of actions by assignees.* If a bond be made to a trustee in trust for one who becomes a bankrupt, the assignees cannot bring the action in their own name, but must sue in the name of the trustee.

For goods sold or delivered, or money paid by the bankrupt or an agent of the bankrupt after the bankruptcy, the assignees may bring either trover, debt, or assumpsit. But they cannot bring two actions at the same time; and therefore if they take back part of the property in diminution of so much of part of their demand, they cannot recover in trover for the residue; neither having elected to bring the one action, will they afterwards be permitted to bring the other.

If a sheriff take the bankrupt's goods in execution after an act of bankruptcy and before the commission, but sell them after the commission, the assignees may have trover against him, but not trespass.

*Evidence.* Assignees when they bring actions must prove the trading, the act of bankruptcy, the commission, the assignment, and property in the bankrupt.

The petitioning creditor's debt being upon bond,

it is necessary to produce the subscribing witness, unless it shall appear that his attendance is impracticable.

Where assignees sue on contracts made to themselves, or made by the bankrupt as their agent, and they do not declare as assignees, they need not go into evidence of the trading or act of bankruptcy. *Evans v. Mann, Cowp. 570.*

To defeat a commission, it is not sufficient alone to shew an act of bankruptcy before the petitioning creditor's debt accrued, without shewing also a sufficient petitioning creditor's debt subsisting at the time of such previous act of bankruptcy. *Esp. N. P. 597.*

Where a creditor of the bankrupt, having obtained money or goods from the bankrupt before the commission, in part discharge of his debt, proved the remainder under the commission, Lord Kenyon held, that in an action against him by the assignees for the money or goods, he might impeach the validity of the commission.

A creditor cannot be a witness for the assignees, because he is interested to encrease his own dividend. But if he releases to the assignees, he may be a witness for them.

A bankrupt cannot be a witness for the assignees to prove property in, or a debt due to himself, unless he has obtained his certificate, and released the assignees; but he is a good witness against them to prove property in others, or a debt due to another.

Bankrupt under a second commission cannot be a witness for the assignees under it to prove a debt due to his estate, even with a release, unless he has paid 15s. in the pound under the second.

The bankrupt cannot be called either before or after his certificate to prove his own act of bankruptcy, but he may be called against the assignees to expose it, or to explain a doubtful act.

A bankrupt is not competent to prove the petitioning creditor's debt, or any fact necessary to support the commission, whether before or after his certificate. But an acknowledgment by the bankrupt of the petitioning creditor's debt, is good evidence if made before the commission.

*Of suits.* An action does not abate by the bankruptcy either of the plaintiff or defendant; but the assignees must proceed in the name of the bankrupt, until

until judgment either interlocutory or final, after which they may make themselves parties.

An appeal from the determination of the commissioners lies to the great seal by petition. The lord chancellor exercises a general superintendence and controul over the commissioners, the assignees, the petitioning creditor, and the whole of the proceedings in every step, from the opening to the final dividend.

The chancellor, sitting in bankruptcy, cannot restrain any creditor, except the petitioning creditor, from suing at law, or order him to discharge the bankrupt. The courts of chancery will not, upon petition, interfere in a proceeding proper for a court of law.

If assignees refuse to bring a bill which is for the benefit of the estate, any creditor has a right to do it under peril of costs.

After the death or removal of assignees, the new assignees cannot revive but by a supplemental bill; they may have the benefit of the former proceeding, and though the party cannot come against their representatives of the former assignees coming in upon the supplemental bill, he has the bankrupt's estate liable for the costs at all events.

*Of superseding commissions.* There are various grounds on which commissions may be superseded; such as the want of a sufficient debt of the petitioning creditor, or because the petitioning creditor was an infant, or for want of sufficient evidence of the trading or act of bankruptcy, or in cases of fraud. A commission may also be superseded by the agreement and consent of the creditors. Although a majority of the creditors consent, the court will postpone it, in order to give other creditors an opportunity to prove their debts, who have not been able to come in sooner, and who undertake to do it in a short time.

A commission will not be superseded merely on the ground of a misnomer; as where a married woman was described in it as a widow. In a doubtful case the court will direct an issue to try the bankruptcy, but not where the bankrupt has submitted to the commission for a length of time, and upon the examination strong circumstances of bankruptcy have appeared.

Sometimes, instead of the court either at once superseding, or directing an issue, the question has been referred back to the commissioners for farther inquiry and reconsideration.

A commission by reason of the death of commissioners, or any other cause, may be renewed, and but half the usual fees paid.

*Of costs.* The expenses of the petitioning creditor in suing and prosecuting the commission till the assignees are chosen, are directed to be ascertained by the commissioners at the meeting appointed for the choice of assignees; and the commissioners shall, by writing under their hands, order the assignees to reimburse the petitioning creditor his costs and charges out of the first money or effects of the bankrupt which they shall receive under the commission. The solicitor's bill of costs subsequent to the choice of assignees, shall be settled by a master in chancery.

The assignees, in making up their accounts in order to make a dividend, are to be allowed all sums of money paid or expended in suing out and prosecuting the commission.

An assignee is personally liable for a solicitor's bill of costs for suits in equity, prosecuted without the authority of the major part in value of the creditors present at a meeting pursuant to notice in the Gazette for that purpose.

Witnesses sent for by the commissioners shall have such costs and charges as the commissioners in their discretion shall think fit; and the costs ordered by them may be recovered in assumpsit against the assignees.

*Joint commissions.* Partners are liable to a joint commission, or individually against each; but a joint and separate commission cannot, in point of law, be concurrent.

A joint commission must include all partners; and if there be three partners, and one of them is an infant, there can neither be a commission against the three nor against the other two.

In a joint commission, an act of bankruptcy must be severally proved against each of the partners; but where the act of bankruptcy is by a fraudulent deed, executed jointly by all the parties, as in case of a conveyance of trust for the benefit of all those creditors,



ctors who should execute the deed, this will be an act of bankruptcy if any one of their separate creditors do not assent.

A partnership debt is considered as the debt of each partner individually as well as collectively; and consequently a debt due from a partnership will support a separate commission against one partner, which will discharge him of joint as well as separate debts.

If one partner is dead at the time of taking out the commission it shall be entirely void; but if such party die after the parties have been found bankrupts, the commission shall not abate.

The assignees under a joint commission take all the joint and separate property of such individual partners; under a separate commission, they take all the separate property of the bankrupt and all his interest in the joint property.

Under a separate commission of bankruptcy against one partner, the assignees can affect the joint property no further than the bankrupt himself; they are entitled only to such undivided share or interest as the bankrupt partner himself was possessed of; but the assignees have no right to charge the possession, or to make any specific distribution of the effects. The assignees also of a partner (bankrupt) must take the share or interest, subject to all the rights of the others, as a partner.

The bankruptcy of one partner will operate as a dissolution of the partnership, at least as to all subsequent acts, which are avoided by the relation of the statutes from the time of the act of bankruptcy; but each party while solvent has power to dispose of the whole of his partnership effects. A secret act of bankruptcy by one unknown to the other, will not avail a *bona fide* sale by them; and the vendee will, in such case, be entitled to hold them against all the assignees.

Creditors are allowed to prove their debts either under a separate or joint commission, for the purpose of assenting to, or dissenting from, the certificate.

It is an established rule in joint commissions, that where there are different sets of creditors, such estate shall be applied exclusively, in the first instance, to the payment of its own creditors, the joint estate to the joint creditors, and the separate to the separate; and that neither the separate creditors shall come upon

the joint estate, nor the joint estate upon the separate but upon the surplus only of each that shall remain after full satisfaction of its own respective creditors. But to save the expence and delay of application in each particular case, separate creditors have always been allowed by a general order to prove under a joint commission, for the purpose of receiving dividends from the separate estate in the first instance, and afterwards from the surplus, if, after all the joint creditors are satisfied, such surplus should remain. In cases where the credit has been joint, although the security taken was separate, the creditors will be directly admitted to prove their joint estate.

Trust money in the hand of one partner applied by him to the use of the partnership, but without the privity of his copartners, or money borrowed by one partner for his private use, though applied to pay partnership debts, cannot be proved by the lender upon the joint estate; but trust money advanced with the privity of the partners will become a debt of the partnership.

As creditors having only a separate security are yet admitted upon the joint estate, if the credit was really joint, so a creditor on a joint admission will be admitted upon the separate estate, where it appears to have been intended there should be a several liability.

A joint and several creditor cannot come on both estates at the same time, but must make his election, and whichever he chooses, he will not be allowed to come upon the other, unless there shall be a surplus after paying its own debts. But the receiving a dividend is a determination of his election, and upon refunding that dividend already received, he has been allowed to proceed at law.

It appears to be now settled that a partner cannot be a creditor on the partnership fund in competition with joint creditors; if, however, one or more partners carry on a distinct trade, and in such distinct capacity become creditors of such partnership, which becomes bankrupt, a proof may be made in their behalf as if they had dealt with persons not being in partnership.

No joint creditor by standing in the place of the partnership can become a creditor in competition with the separate creditor upon the separate estate of one of the partners, who is indebted to the partnership

fund, by taking out more than his share, unless it has been taken with a fraudulent intent to increase his separate estate.

One partner may be a creditor of another, and continuing solvent may prove, or if he become bankrupt his assignees may prove the debt under a separate commission against the other; but if the debt arises by paying more than his moiety of the partnership debts, it could not be proved unless the payment was given to the bankruptcy of the other.

Under a joint commission, distinct accounts of the respective estates, and the application of them to their respective creditors, according to the before mentioned rule of distribution, are directed by the general order for admitting separate creditors to prove their debts.

No debtor against the partnership can set off a debt due to him from one of the partners; but in case of surplus, the debtor of the partnership may deduct the partner's separate debt to himself.

A surviving partner may set off a debt due to him jointly with the deceased partner against a separate demand upon him in his own right.

By the stat. of Anne it is provided that the certificate obtained by one partner or joint debtor shall not discharge or release the other.

One allowance only is to be divided between partners, in respect of their joint and separate estates, according to the proportion which the surpluses of their respective estates and the respective moieties of their joint estates have contributed to the payment of their joint debts.

Although the same persons as assignees cannot, under two separate commissions, on the same action recover separate debts due to each, yet they may join in an action to recover money due to the two jointly. A cause of action accruing to a partnership transaction by one partner after the bankruptcy of the other, the solvent partner must join with the assignees of the other, and cannot sue alone. In an action of assumpsit brought by partners, the defendant may plead the bankruptcy and assignment of the effects of one of them. A secret act of bankruptcy committed by one partner without the knowledge of the other, will not avoid the act of the other after-

ward done *bona fide*, in relation to the property of the bankrupt.

*Felony of bankrupt.* By 5 G. II. c. 30, if any person against whom a commission of bankruptcy shall issue, and who shall be declared a bankrupt, do not, within 42 days after notice at his place of abode and in the London Gazette, surrender to the commissioners mentioned in the said commission, and submit to examination by the commissioners, and in all things conform to the statutes concerning bankrupts, and fully disclose and discover all his estate and effects real and personal, and all transferences thereof, and also all books, papers, and writings relating thereto; and deliver up to the said commissioners all such estate and effects, and books, papers, and writings as are in his possession or power (except his necessary wearing apparel, and that of his wife and children); then the said bankrupt, in case of any default or wilful omission in not surrendering and submitting to be examined as aforesaid, or in case he shall remove, conceal or embezzle any part of his estate real or personal to the value of 20*l.* or any books of accounts, papers or writings relating thereto, with intent to defraud his creditors (being lawfully convicted thereof by judgment or information), shall be adjudged guilty of felony, without benefit of clergy; and such felon's goods shall be divided among the creditors seeking relief under the commission.

BARBADOES, is the easternmost of the windward islands in the West Indies, and is situated in 59 degrees west longitude, and 13 degrees north latitude. It is 25 miles in length, and 15 in breadth. It belongs to the English; and the number of whites is about 20,000, who have 90,000 slaves. Their exports are sugar, rum, cotton, indigo, and ginger; and they have most of the fruits common to the climate. The sugar exported hence is at least equal to that of any other plantation; and they have more particularly a production called Barbadoes tar, which rises out of the earth, and swims upon the surface of the water. This island has suffered much from hurricanes, particularly from a dreadful one in 1780, when no less than 4,500 of the inhabitants, blacks and whites, lost their lives; and the damage done to the property was computed at above 1,300,000*l.* It is 70 miles east of St. Vincent. The capital is Bridgetown, where the governor

governor resides, whose employment is said to be worth 5000*l.* a year.

**BARBARY**, a country of Africa, between the Atlantic Ocean and the Mediterranean Sea and Egypt; and containing the states of Barca, Tripoli, Tunis, Algiers, Fez, and Morocco. It is near 2000 miles in length, and in some places 750 in breadth. It was known to the ancients by the names of Mauritania, Numidia, Africa Proper, and Lybia. It is the most valuable country in Africa, except Egypt; and is fertile in corn, maize, wine, citrons, and melons. The chief trade consists in fruits, horses, morocco leather, ostrich feathers, indigo, wax, tin, and coral.

**BARCELONA**, a large city, the capital of Catalonia in Spain. It is situated on the coast, very favourably for commerce, and has a considerable trade. Here likewise are manufactories of knives, glass, blankets, and silk handkerchiefs, the last of which are exported all over Europe.

**BARGAIN**, a contract or agreement in buying and selling. Most contracts and bargains in trade, between merchant and merchant, are negotiated by brokers. See *Agreement, Brokers*.

**BARK**, a general denomination given to small vessels, but which is particularly appropriated to those which carry three masts without a mizen-top-mast. The colliers distinguish by this name a ship without ornament on the prow or stern.

**BAROCHE**, a town of Cambaya, in the dominions of the Great Mogul. It was formerly a place of great trade, and it is now inhabited by weavers and manufacturers of cotton cloth. Here is raised the best cotton in the world, and excellent bastas are manufactured. The English and Dutch had formerly factories here, which are now abandoned.

**BARRATRY**, is where the master of a ship or the mariners defraud the owners or insurers, whether by running away with the ship, sinking her, deserting her, or embezzling the cargo. See *Shipping, Marine Insurance*.

**BARTER**, an exchange of one species of goods for another, which was the original method of trading before money was in use, and is still practised in the American colonies, and parts where cash is scarce. The extreme facility given to commerce by money has almost put an end to barter or exchange

of articles, except in so far as mercantile men set off their reciprocal demands, when there are such, previous to paying the balance in money. This, if the term may be used, is a half species of barter. The articles are bartered in so far as they pay for each other without the intervention of money. Thus in one sense it is barter, but in another it is not, as the value of each article is reckoned in money, and not estimated by a certain quantity of the others.

The species of barter now most practised in this country is amongst tradesmen in the building line, who execute work for work to a great extent, each setting off his labour and materials at certain prices, called *measuring value prices*. By this means a tradesman, who only does one branch of building, may undertake a complete construction, and have a profit on the whole, by doing business in his own line for the different persons employed.

The invention of money has not altogether put an end to barter, yet it has entirely prevented it from appearing in its real form in the books of merchants, as each article is stated there in its money value, and each sale is supposed to be paid for in the circulating medium of the country, even in cases where no money whatever is made use of in the transaction.

**BASLE, BALLE, or BASIL**, the capital of one of the Swiss cantons which bears its name; being nearly in the centre of Europe makes it a sort of centre for the business of exchange, and for drawing and re-drawing. It is famous for letter-press printing, and in general its central situation gives it an advantage in whatever is of a nature to be generally distributed in Europe; and there are in it numbers of commercial houses that act as agents and on commission for merchants of different nations.

**BASSORA, BALSORA, or BASRAH**, is situated on a river named by the Arabians *Schat el Arab*, which is formed by the union of the Euphrates and Tigris. This place is rich, and of greater trade than any one in Arabia Deserta; its possession was a long time disputed by the Arabians, Persians, and Turks, but the last remained masters of it.

Bassora, like Bender Abassi, gained considerably by the destruction of Ormus, and here are now seen ships from all parts of Asia and Europe; and the

English and Dutch in particular make a considerable figure, having their factors here to transact business, and dispatch their letters by land, which is done by way of Damascus and Aleppo. The Portuguese also have a settlement here, though they make little advantage of it.

Almost all the trade passes through the hands of the Indians, Persians, and Armenians. The caravan of Bassora is one of those that carries to Bender Abassi a part of those rich goods with which that trade is supported; and the same caravan brings back in return, the products of India, China, Japan, and Europe, of which Bender is a depository, staple, or storehouse for Persia and the three Arabias.

Besides this commerce with Bender Abassi, and that which Bassora maintains on the sea coast with the Indians, Moors, and Europeans, whose ships arrive here every monsoon, this city has also a very considerable one with Bagdat, which is not at a great distance, and is commodiously seated for a transportation of its commodities by the Tigris; and the same with Aleppo and the rest of the Ottoman empire in Asia, whence caravans set out, and a part of them always destined for Bassora.

**BAVARIA**, one of the circles of the German empire, adjoining to Austria and Bohemia, a mountainous country, containing various mines of copper, and some of silver, besides quarries of marble. This circle is divided into three principal provinces; the electorate, sub-divided into upper and lower Bavaria, the upper Palatinate, and the archbishopric of Saltzburg. The revenues of the elector arise principally from a monopoly of the salt, corn, and strong beer consumed in the country or exported. The article of tobacco also, the elector engrosses to himself. He also enjoys certain tolls on the Danube, and other navigable rivers. The subject, however, is miserably impoverished by these monopolies, in so much as the peasants make their chief subsistence from the herds of swine fed in the woods. Here is a great deal of valuable fir-timber.

**BAYONNE**, in the south of France, seated near the mouth of the river Adde, which forms a good harbour. The trade of this town is considerable on account of its contiguity to Spain, and the wines brought thither from the adjacent coun-

try. The Dutch take a large quantity of wine in exchange for spirits and other commodities. This place is also famous for hams and chocolate.

**BAZAR**, the name for a market-place in all parts of the Levant, as well as in Egypt, Persia, and the East Indies. The bazars of Ispahan and Tauris in Persia, are of great extent, the latter particularly, which contains above 15,000 shops.

**BEACON**, a signal made by a fire on some eminence near the sea, to give notice of invasions, and which no man may set up without lawful warrant and authority, this being a branch of the royal prerogative, and which is usually vested in the lords of the admiralty. Beacons are also placed as marks either on land or on rocks, to indicate to vessels how to steer. By 8th Elizabeth, c. 13, the masters, wardens, and assistants of the Trinity House, may set up beacons and marks for the sea, in such places near the coasts or forelands as to them shall seem meet. And any person who shall take or cut down any steeple, tree, or other known and established thing standing as sea marks, shall forfeit 100l. and on non-payment, be *ipso facto* outlawed. See *Light-houses*, *Trinity-house*.

**BEAUCAIRE**, a city of Languedoc, in France, situated on the Rhone; famous for a fair, which is held every year on the 22d of July, and though it only lasts three days, is attended by people from all parts of Europe, and where every sort of article known in commerce almost may be found.

In the way of barter and exchange, the usual business done does not fall much short of half a million sterling, besides about 250,000l. more in ready money.

Beaucaire is about 20 miles from the Mediterranean sea, and consequently communicates easily with all the countries on its borders, and, by the canal of Languedoc, with a great part of the interior of France and the ocean.

**BEER**. See *Customs*, *Excise*, *Exportation*, *Importation*.

**BELFAST**, a town in the county of Antrim, in Ireland, which has a considerable trade, particularly in linen.

**BELGRADE**, a city of Turkey, in Europe, and capital of Servia, seated on the confluence of the Save and the Danube. Its rivers are convenient for commerce, and as the Danube falls into the Black Sea, the trade is easily extended to different countries, which renders



renders it the staple town in these parts, and the Danube flowing to Vienna, commodities are easily conveyed from thence. The shops are but small, and the sellers set on tables and dispose of their commodities out of a window, for the buyers never go inside. The richest merchandizes are exposed to sale in two bezesteins or bazars, built crossways. There are two exchanges built with stone, and supported by pillars, not unlike the Royal Exchange at London.

**BENARES**, one of the first cities of the East Indies, situated on the north bank of the Ganges. It carries on a considerable commerce, particularly in silks and cotton cloths, both plain and coloured. Here are a number of commodious caravanseras, in which the commodities are exposed for sale; and as they are sold by the manufacturers themselves, strangers have them at the first hand, and of course cheaper than in most other towns in India, where the Banians, Jews, and Armenians purchase them to sell again. The manufacturers, before exposing any thing for sale, must obtain from the proper officer the royal stamp on every piece of cloth or silk, under penalty of a fine, besides corporal punishment.

**BENECARLO**, a city in the province of Valencia, in Spain, the country round which produces excellent wines. The white wine is famous, as also a deep coloured thick red wine, often used for the adulteration of low French wines in order to imitate port.

**BENGAL**, a country of Hindoostan Proper, bounded on the west by Orassa and Bahar, on the north by Bootan, on the east by Assem and Meckley, and on the south by the bay of Bengal. Its extent from east to west is upwards of 400 miles, and from north to south above 300. The country consists of one vast plain of the most fertile soil, being annually overflowed by the Ganges, as Egypt is by the Nile. The bay of Bengal is the largest and deepest in the world, and the Ganges being navigable for a great distance up the country, affords every facility for conveyance of the commerce of this country. A trade is here carried on with Agra, Delhi, and the provinces adjacent to these superb capitals, in salt, sugar, opium, silk, silk stuffs, muslins, diamonds, and other precious stones. There is also a valuable inland trade carried on with West Patna, and a variety of other places throughout India. Patna is the principal place in the world

for the cultivation of opium. Besides what is carried into the interior, there are annually exported between 3000 and 4000 chests, each weighing 300 pounds. This opium, however, not being prepared and purified, like that of Syria and Persia, is far from being so valuable. There is also a material trade carried on by the natives, chiefly with the district of Catek, a district of some extent a little below the westernmost mouth of the Ganges, the port of which is Balasore, and whence the people of Catek carry on a navigation and trade with the Maldivé islands, and also with the country of Asham. Forty vessels of 500 or 600 tons each are annually sent from the Ganges to Asham, laden with salt, which yields 200 per cent. profit; they receive in payment, silk, ivory, musk, eagle-wood, gumiac, and a small quantity of gold and silver. With respect to the immense trade carried on by the East India Company with Bengal, see *East India Company*; see also *Calcutta* and *Madras*.

**BERBICE**, a country of Guiana, on the north-east coast of South America, situated on a river of the same name, in N. lat. 6 deg. 20 min. and 60 deg. W. long. about eight miles west from the mouth of the river of Surinam. This colony was established by the Dutch in the beginning of the 17th century; and in the year 1720 there were six sugar works, besides some plantations of indigo and cacao. It has, notwithstanding the climate is extremely unhealthy, and the soil inferior to Surinam and Demerary, greatly flourished. Berbice was taken by the English in 1796, but restored to the Batavian republic by the treaty of peace of 1801.

**BERGAMO**, a town of Italy, capital of Bergamesco. It is famous for its sewing silk; and its fair on St. Bartholomew's Day is resorted to by merchants from Italy, Sicily, and Germany.

**BENCOOLEN**, a town belonging to the East India Company, on the south-west coast of Sumatra in the East Indies, situated in E. long. 101 deg. 5 min. and S. lat. 4 deg. 5 min. This settlement was first established in the year 1685, after we had lost the pepper trade of Bantam. The climate of Bencoolen is unwholesome; it is excessively hot, and the wind passing over morasses communicates an almost unsupportable odour. The principal articles of commerce of

Bencoolen

Bencoolen are gum benjamin and camphire. The camphire is a volatile and penetrative oil, which is extracted from a species of laurel. A fort has been erected at Bencoolen, called Fort Marlborough. The company's servants of this establishment have lately been reduced, and the administration of the settlement removed to the continent.

BERGEN, a sea port on the south-west coast of Norway, lying in E. long. 4 deg. 45 min. and N. lat. 60 deg. 11 min. It is the largest and principal trading town in the kingdom. Besides the natives, a number of the inhabitants are Germans and Danes, attracted thither by commerce. They import a large quantity of hemp and flax, and manufacture coarse linens, sail cloth, green soap, and refined sugar; and export a very considerable quantity of hides, skins, fish, oil, and timber.

BERLIN, the capital of the electorate of Brandenburg, and of the whole Prussian dominions, situated on the river Spree, whence there is a communication with the Havel, Oder, and Elbe, which greatly facilitates commerce. This, however, cannot be said to be a country of trade, but some manufactures are tolerably flourishing. They make woollen cloth sufficient for the army and a great part of the home consumption. Silesia produces a great quantity of linen, which are sent all over Europe as well as to America, and a good deal of raw silk is here produced.

BERMUDAS, or SOMERS' ISLANDS, a numerous cluster of small islands mostly barren and uninhabited, being in W. long. 65 deg. N. lat. 32 deg. 30 min. The principal is St. George's, about 16 miles long, and 3 at most in breadth. The principal article of trade of the inhabitants is in small vessels, which they build of the cedars that grow in these islands. They have also a trifling whale fishery. The climate is uncommonly fine.

BERNE, the principal of the cantons of Switzerland. Grain, horses, and cattle, are its principal articles of commerce. The inhabitants make also a good deal of wine, which is consumed here and in the cantons of Fribourg and Soleure. Its manufactures consist in spinning silk ferret, in linen and hempen cloths, dimities, cotton cloth for printing, silk stuffs, and stuffs of silk and cotton, flannels, cotton and wool, cotton

and thread, stockings, tapes, and paper. Their linens and dimities are exported in large quantities.

BERRY, a late province near the centre of France, now forming the departments of Cher and Indre. Their principal commerce consists in the fat cattle which they send to Paris, and a great number of sheep: these last bear fine wool, which is used in the manufactures of this province, and other parts of the kingdom. There are manufactures in Berry for cloths, serges, and stockings.

BETELFAGUI, a town of Arabia Felix, famous for being the mart where the country people bring their coffee to sell to the Europeans.

BILBOA, a city in Spain, the capital of Biscay, with a good harbour. Its exports are wool, sword blades, and other manufactures in iron and steel.

BILLS of EXCHANGE. A bill of exchange is an order or request in writing, addressed by one person to another, to pay a certain sum of money on demand, or at a time therein specified, to a third person, or to his order; or it may be made payable to bearer.

If a bill be made payable to bearer, it is assignable by delivery only; if it be payable to order, it must be transferred by indorsement and delivery.

The person making or drawing the bill is called *the drawer*, the person to whom it is addressed *the drawee*, who, when he has undertaken to pay the amount, is termed *the acceptor*. The person in whose favour the bill is drawn, is called *the payee*; but if he appoint some other person to receive the money, he is then termed *the indorser*, and the person so appointed *the indorsee*.

Bills of exchange are divided into *foreign* and *inland*. The former pass from one country to another, and the latter are transacted by parties resident in the same country. By 9 and 10 W. III. c. 17, and 3 and 4 Anne, c. 9, all distinctions between foreign and inland bills, as far as respects the custom of merchants, are removed, and the same principles of law are generally applicable to both.

Any persons capable of binding themselves by a contract may be parties to a bill of exchange or other negotiable instrument, or be in any manner concerned in negotiating either of them. An infant, therefore, or a married woman (except in certain cases, as where by the custom of London she has the

the privilege of trading as a *feme sole*), as they are incapable of binding themselves by contract, cannot be parties to a negotiable instrument; yet such interest negotiated by persons incapacitated, will nevertheless be valid as to all other competent parties, 2 *Atk.* 181.

The contract of an infant, however, is not void but voidable; and it has been said, that if he promise to pay a bill after he has attained his majority, this would be equally operative as if he were of full age at the time such contract was made. 1 *T. R.* 648.

Bills or notes must be certain, and not depend on any particular event or contingency; they must be for payment of money only, and not for payment of money and performance of some other act; such instruments not being negotiable as bills of exchange, according to the custom of merchants. 3 *Wils.* 213. But an instrument of the above description, although not negotiable, will nevertheless found an action between the parties, and may be declared on between the original parties as a bill. *Alves v. Hodgson*, 7 *T. R.* 243.

In cases, however, where the time only of payment is uncertain, and the payment absolute, bills or notes upon such uncertainties, with respect to time only, have been held to be good.

In bills made payable a certain number of days after date, the day of the date is not included in the computation; and when a bill payable after date is drawn at a place using one style, and remitted to a place using another, the time is to be computed according to that of the place where drawn; but a bill payable after sight is to be computed according to the style of the place where payable. If the bill have no date, the time shall be computed from the day it was issued. 6 *T. R.* 212.

No particular form is necessary in a bill of exchange; any order or promise, which from the time of making it cannot be complied with or performed without the payment of money, is a bill or note. *Mod.* 364.

If a bill or note be altered whilst in the hands of the payee or any other holder, in any material instance, as a date, sum, &c. without consent of the drawee, he will be discharged from his liability, although such bill or note may afterwards come into the hands of an

indorsee not aware of the alteration; but in this case, if altered before acceptance or indorsement, the acceptor can take no advantage of the alteration; and the consent of any one of the parties to the alteration will in general preclude him from taking an advantage of it. 4 *T. R.* 320.

If a bill be made with a proper stamp, and afterwards altered by the consent of the parties, though before negotiation, a new stamp is necessary, as it is a different contract. *Wilson v. Justice*, 5 *T. R.* 357. If, however, there be a stamp of equal or superior value, the proper one may be affixed on payment of 40s. before the instrument is due, and 10l. after it is due. But if there is not originally a stamp amounting to the requisite value, the omission can never be legally supplied. *Evans*, p. 6.

Acceptance is an engagement or undertaking to pay a bill when it becomes due. Although regularly made by the person on whom the bill is drawn, it may, nevertheless, be made by his agent properly authorized for that purpose, in which case such party is said to accept, &c. by *procuration*.

Acceptance may be either verbal or written, and may be *absolute*, *conditional*, *partial*, or *collateral*.

An *absolute acceptance* is an engagement to pay the bill according to its tenor; it is usually given by writing upon the bill the word *accepted*, with the name or initials of the drawee. The holder of a bill has a right to insist on a written acceptance, which is essentially necessary to give the instrument the full benefit of circulation. In accepting a bill payable after sight, it is customary to write also the day on which the acceptance is made. If the drawee keep the bill a longer time than is usual, or do any other act which, upon a fair construction, gives credit to the instrument, and thereby induces the holder not to protest it as dishonoured, this will amount to an absolute acceptance, as will also an agreement to pay at a future period.

A *conditional acceptance* is an agreement to pay according to the tenor of the acceptance, as where the party renders himself liable for payment on a contingency only. Any act which evinces an intention not to be bound, unless on a certain event, will be sufficient to give the acceptance the operation of a conditional one. Conditional acceptances become absolute as soon

the contingency happens, or the condition is performed.

When a conditional acceptance is made in writing, the party giving it should also express the condition, otherwise he will not be able to avail himself of such condition against any other subsequent party. *Mason v. Hunt, Doug. 296.*

A *partial acceptance* is an agreement to pay according to the tenor of the acceptance, and may vary with respect to sum, time, or place; it may also vary from the tenor in the manner in which the acceptor undertakes to pay the bill.

Either of these acceptances, although the holder may refuse each, will be binding on the acceptor; and the holder of the bill in either of these cases, if he means on default of payment to have recourse to the other parties, should give notice to all of them of such acceptance.

*Acceptance upon honour or supra protest* is a collateral acceptance, and may be made where the drawee refuses to accept, and some third person, after protest for non-acceptance, accepts for the honour of the drawer, or any particular indorser; in which latter case he should immediately send the protest to the indorser.

Not only a stranger but the drawee may accept a bill for honour of the drawer, or any of the indorsees.

If upon presentment the drawer promise to accept at any future period such bills as may be drawn hereafter, although no such bill were made at the time of the promise, or do any other act accrediting the bill, which induces the holder not to protest it, this will amount to a complete and absolute acceptance. But it has been adjudged, that if the drawee say upon his application, "there is the bill, it is all right," or "leave the bill, and I will examine into it;" although in the latter case the bill was left eight or ten days, and being then called for, the drawee offered to let the holder sell some effects, and pay himself; this will not amount to an acceptance. *Bayley 48.*

It has been held, that the bill should be left with the drawee 24 hours, that the drawee may look into his account, and determine whether he will accept or not; but a bill or note need not be left on a presentment for payment.

Any act of the drawee evincing his consent to comply with the request of the drawers, such as the words *seen, presented*, the day of the month, or a direction to a third person to pay the bill, will amount to an acceptance.

A general acceptance is presumptive evidence of the acceptor possessing sufficient effects, whereas by accepting specially, though liable to the demands of the holder, as if the acceptance were general, he only engages as surety for a particular person, on whose behalf he comes forward, and is entitled to an indemnity from that person, or any of the antecedent parties.

A bill previously accepted under protest may be accepted by some other individual, under protest also, in honour of some particular person.

If a bill or note be made in a foreign country, it must be conformable to the laws of that country, or it will not be valid.

To obviate the dangers of navigation, foreign bills are commonly drawn in sets. The drawee is here directed to pay the first bill of exchange, the second and third not paid, and so *mutatis mutandis* with the others; but if the first wants this condition, and it is only contained in the second and third, it will be no defence to an action on the first, that the second has been paid. If, however, there evidently appears to be a casual omission, as in stating the words *second and fourth not paid*, the payment of the third may be a sufficient discharge. *Bailey 14.* If the payee live at one place, and the payment be to be made at another, both must be specified.

The bill being drawn payable to order, it may either be negotiated by the payee himself, or he may transfer his right by indorsement, which may be either in blank or special. The former transfers the right to any person to whom the instrument may be delivered, the latter mentions the name of the individual to whom payment shall be made.

After the bill has been indorsed by the payee it may be further indorsed through any number of persons, the last having the engagement of all the preceding parties in his favour; and such indorsements, like the acceptance of the original payee, may be general or special. If all the indorsements are special, the right of a holder is limited by their particular directions.



The indorsement of the payee is essentially necessary to confer a right to any subsequent holder against the drawer or acceptor, for it is only to that person or to his order that they have undertaken to pay the amount: therefore if the signature of the payee is forged, though by another person of the same name, no title is conferred; and this, notwithstanding the payee is specially described, and the acceptance is after the bill appears to be indorsed. *Meade v. Young*, 4 T. R. 28. 'The actual proof of this indorsement cannot be dispensed with, notwithstanding any difficulty and inconvenience which may arise from the circumstance of the indorsee being unknown to the holder. *Smith v. Chester*, 1 T. R. 654.

A bill or note cannot be indorsed after it is paid, neither can it be indorsed for part, at least so as to bind any of the preceding parties; for personal contracts cannot be so apportioned as to make another liable to two actions, where by the contract he will only be liable to one; but where the drawee of a bill has paid part, it may be indorsed for the residue; and it has been held, that although an indorser may have paid part of the money, the indorsee may nevertheless recover the sum in the bill against the drawer. *Johnson v. Kenyon*, 2 Wils. 262. But it has also been decided, that if the indorsee of a bill or note receive part of the contents from the drawer, he cannot receive more than the residue from the acceptor.

Where a bill is expressed to be payable at a certain period, whether after date or after sight, an additional time is allowed by the usage of all commercial countries, called *days of grace*. These vary in different places, but in England the time is three days, so that a bill drawn on the 1st of January, payable ten days after date, becomes due upon the 14th; but if the third day be Sunday, or day of public rest, the bill is payable on the day preceding. The only days which are generally recognized in England, except Sunday, are Christmas Day and Good Friday: a bill payable at sight is synonymous with a bill payable on demand, and must be paid on presentment.

In a case where the question was incidentally discussed how far the acceptor of a bill had till the last moment of the day on which it became due, Lord Kenyon was strongly of opinion, that within the general rule of law a party bound to do an act on a given day, has till the

last moment of that day for the purpose. Mr. Justice Buller as strenuously supported the opposite opinion, and observed, that the nature of the acceptor's undertaking was to pay the bill on demand on any part of the third day of grace; and that the rule was so well established, that it would be extremely dangerous to depart from it. With regard to foreign bills of exchange, all the books agreed that the protest must be made on the last day of grace, which supposes a default in payment; for a protest cannot exist unless default be made. But if the party has till the last moment of the day to pay the bill, the protest cannot be made on that day. The usage on bills of exchange is established, and they are payable any time on the last day of grace on demand, provided that demand be made within reasonable hours. With respect to what shall be deemed reasonable hours does not appear to have been distinctly settled. A demand at a very early hour of the day, at two or three o'clock in the morning, would be at an unreasonable hour; but on the other hand to say that the demand should be postponed till midnight, would be to establish a rule attended with mischievous consequences. *Lightly v. Mills*, 4 T. R. 170. It had been previously decided that a person committed an act of bankruptcy by denying himself to the holder of a bill of exchange on the morning of the day when it became due; and this was adduced as an argument in support of the position adopted by Mr. Justice Buller.

In case a bill be not regularly paid, the holder has a right to recover not only the principal, but also in certain cases costs and damages. This right in foreign bills is general. In respect to inland bills it is founded on the statute of 9 and 10 Will. III. c. 17, and 3 and 4 Anne, c. 9, and confined to such as are expressed to be made for value received, which are made payable at certain periods after date, and are drawn for 5l. and upwards. The interest is to be computed from the day when the bill ought to be paid, and is carried on to the time when final judgment may be signed. The costs and damages usually consist of the re-exchange, banker's commission, and postage.

It is usual for country banks to charge a commission of from 5 to 10 per cent. on the bills which they discount, or any money which passes through their

hands. This was once supposed to be usurious, but it is now decided to be a lawful charge, being a reasonable compensation for their trouble, and for the capital they employ in providing cash to answer such exigencies, and is the same charge which in the French law is called provision.

But the holder of a bill, whether transferable by delivery or not, ought in all cases of loss, immediately to give notice of such accident to the acceptor and all the antecedent parties.

By 9 and 10 W. III. c. 17, s. 3, the holder of a bill of above 5*l.* expressed for value received, and payable after date, may in case of loss demand of the drawer another bill of the same tenor with the original one, upon giving security and indemnifying him against all persons whatever, in case the lost bill should be found.

If one of a set of foreign bills be lost by the drawer, he is bound to give the holder or his order a promissory note for payment of the amount of the bill the day it becomes due, on delivery of the second part if it should arrive in time, if not on delivery of the note, which is in all cases to have the law and privilege of a bill of exchange; and if the acceptor shall refuse to give such note, the holder must protest immediately for non-acceptance, and when due must demand the money, although he has neither the note nor the bill, which, if refused, a protest must regularly be made for non-payment. *Bul. N. P.* 271.

If a bill left with a merchant for acceptance be mislaid, the payee should demand of the merchant a note for the payment according to the time limited in the bill, otherwise two protests will be required, one for non-acceptance, and the other for non-payment; and though such note be given, yet if the merchant happen to fail, there must be a protest for non-payment, in order to charge the drawer.

The holder of a bill or note must present the bill at sight, or upon demand, for payment, and a bill payable at a certain period after sight, for acceptance, within a reasonable time; but what shall be deemed a reasonable time is not very distinctly settled. The following case, before the court of common pleas, contains the most accurate view which can be given of the subject:—Bills were drawn in London on the 5th March, on Palmer in Calcutta, in favour of

D. Eguino, who on the same day indorsed them to Muilman, for their full value, in a course of negotiation on the Royal Exchange. Muilman having received orders from his correspondents at Paris to procure such bills, drew on them for the amount, and these bills were duly paid, and on the 30th April, by their directions, sent them over to a house in Calcutta. The ships conveying them arrived on the 3d October; on the 5th the agent to whom they were remitted wrote to Palmer, who was not then in Calcutta, informing him of the arrival of the bills, and requesting his acceptance, which, by letter on the 17th, he refused. A fleet had sailed for Calcutta on the 5th April, and arrived there early in September; and the drawer of the bills having failed, it was insisted on the part of the indorser, that due diligence had not been used, either in sending the bills to India by the first ship which sailed from England, or in presenting them in India for acceptance, without waiting for Palmer's letter of the 17th. Lord chief justice Eyre left it to the jury, whether the bills were presented in a reasonable time, intimating his own opinion that they were; and the jury having found a verdict accordingly, upon an application for a new trial, his lordship said, that the course of argument did not call upon the court to lay down any new rule as to bills of exchange payable at sight, or a given time after; if it did, and it were necessary, he should feel great anxiety lest he should clog the negotiation of bills circumstanced like the present. It would be a very serious and difficult thing to say that a person buying a foreign bill, in the way that these were bought, should be obliged to transmit it by the first opportunity to the place of destination. There would also be a great difficulty in saying at what time such a bill should be presented for acceptance. The courts have been very cautious in fixing any time for inland bills payable at a certain period after sight to be presented for acceptance; and it seems to be more necessary to be cautious with respect to a foreign bill payable in that manner. If, instead of drawing their foreign bills payable at usances, in the old way, merchants chose for their own convenience to draw them in this manner, and to make the time commence when the holder pleases, he did not see how the courts could lay down any precise rule upon the subject. He thought, indeed,

deed, that the holder was bound to present the bill in reasonable time, in order that the period may commence from which the payment is to take place. The question, what is reasonable time? must depend on the particular circumstances of the case; and it must always be left to the jury to determine whether there is any laches. Mr. Justice Buller said, that the only rule he knew of which could be applied to all cases of bills of exchange was, that due diligence must be used, whether the bill be a foreign or inland bill, and whether it be payable at sight or at so many days after, or in any other manner; upon these facts the jury had found that there was no laches, and there was nothing in the state of the facts to warrant the court to say that the verdict was against law. But here he must observe, and he thought a rule might thus far be laid down as to laches with regard to bills payable at sight, or a certain time after sight, namely, that they ought to be put into circulation. If they are circulated, the parties are known to the world, and their credit is looked to; and if a bill drawn at three days sight were kept out in that way for a year, he could not say there was laches; but if, instead of putting it in circulation, the holder were to lock it up for any length of time, he should say that he was guilty of laches; but further than that the rule cannot be laid down. Mr. Justice Heath also said, that no rule can be laid down as to the time for presenting bills payable at sight or at a given time after; and the application for a new trial was refused. *Muilman v. D. Equivo*, 2 H. B. 567

If a bill be paid into the hands of a banker, it must be presented, if payable, where such banker resides, the next time the banker's clerk goes his usual rounds. *Hankey v. Troutman*, 1 Bl.

Notice is that information which the holder of a negotiable instrument is bound to give to all the antecedent parties. If the drawer refuse to accept, or, having accepted, if he refuse payment, or if he offer an acceptance varying from the bill; in either of the above cases the bill is dishonoured, and the holder, in case of neglect to communicate notice within a reasonable time, will not be at liberty to resort to the other parties, who by such negligence will be discharged from their respective obligations. *Bur.* 2670.

The right of the drawer or indorser to receive notice in case of the bill's being dishonoured, is so strong a principle in law, and in all cases so indispensable, that nothing but what has been by the act of God rendered impossible, can be an excuse for the want of it; except indeed in those particular cases where the parties, who would otherwise have been entitled, have by their own act incapacitated themselves to insist upon the want of it. It is not material who informs the drawer of non-acceptance or non-payment of the bill, because notice is merely required that he may have recourse to the acceptor. *Shaw v. Croft*, Lord Kenyon, sittings after Trin. 1798.

Notice of conditional or partial acceptance should be given to the other parties to the bill by the holder in default of payment; for if under these circumstances a general notice of non-acceptance be given to any of the parties, omitting to mention in such notice the nature of the acceptance offered, the acceptor is discharged by this act of the holder from his acceptance. 1 T. R. 182.

A protest is an act of a notary public, stating that a bill has been presented for acceptance, or for payment, and refused; and declaring that the acceptor, indorsers, &c. shall be liable for damages, &c. and to this instrument all foreign courts give entire credit. In the first instance, the notary marks or notes the minute of refusal on the bill itself, and afterwards the instrument is drawn out and attested under his hand and seal. The want of a protest can in no case be supplied by noting, which is a mere preparatory minute of which the law of England takes no cognizance as distinguished from a protest.

If there be no notary resident at or near the place, the bill must, when payable, be protested by some substantial resident, in the presence of two or more witnesses, and should in general be made at the place where payment is refused; but when a bill is drawn abroad, directed to the drawer at Southampton, or any other place, requesting him to pay the payee in London, the protest for non-acceptance of such bill, may be made either at Southampton or London.

The form of a protest must always be conformable to the custom of the country where it is made, and a copy of the bill must be written on all protests, and

the indorsements transcribed *verbatim*, with an account of the reasons given by the party why he does not honour the bill.

No adjudication, it is said, has been yet made with respect to the time at which foreign bills must be protested; but from analogy with respect to the time when such protest should be made for non-payment, it should be made in this country within the usual hours of business, on the day when acceptance is refused.

By 3 & 4 Anne, c. 9. a protest may be made of an inland bill, if such bill be for the payment of five pound or upwards, within a limited time after date, and the value expressed to have been received, or after an acceptance written on such bill for its non-payment; but a protest cannot properly be made on any other inland bill. See also 9 & 10 W. III. c. 17.

s. 1. A protest on an inland bill is never necessary where the bill is for payment of less than 20l. and in such as are for more, a neglect to procure it will only preclude the holder from recovering against the person entitled to notice, and special damages or costs occasioned by the non-acceptance, non-payment, and interest. 3 & 4 Anne, c. 9. s. 6. *Brough v. Perkins*, Lord Raymond 992. *Str.* 910. If the bill, however, be under 20l. it does not appear to have been decided whether the holder would not be entitled to the above as an accumulative remedy, although no protest was made. 9 & 10 W. III. c. 17. s. 16. A protest upon inland bills, however, is very unusual in practice, such being only noted for non-acceptance.

Wherever notice is requisite in case of dishonour of foreign bills, a protest is also necessary, and notice of non-acceptance should be transmitted by the holder, within a reasonable time after protest, to all the parties to whom he means to resort, 2 H. B. 569; nor must the holder delay giving notice till the bill is protested also for non-payment. *Bul.* N. P. 271. It is not necessary that a copy of the protest should accompany the notice of non-acceptance; nor is it necessary to read the protested bill, but a notice of the protest is in all cases necessary.

*Notice in case of foreign bills when to be given.* Notice should be given on the day of refusal to accept, if any post or ordinary conveyance sets out on the day, and

if not by the next earliest ordinary conveyance. 4 T. R. 174. Lord Raymond 743. 2 *Str.* 829. Sending by the post both in foreign and inland bills, will be sufficient, even though the letter should miscarry; and where there is no post, it will be sufficient to send notice by the ordinary mode of conveyance, although it may not be the earliest.

In inland bills not protested for non-acceptance, if the parties reside in the same place where the bill was dishonoured, notice should be given on the same day if possible, and by that day's post if the parties are resident out of that place. In inland bills protested for non-acceptance, if the note or protest thereof is not sent within 14 days after it is made, the drawer or indorser will not be liable for damages, &c. 3 and 4 Anne, c. 9. s. 5. Notice should be given by the holder to the person from whom the bill was received; and although such notice may enure to the benefit of all antecedent parties, and thereby make any further notice unnecessary, it is nevertheless advisable for every party immediately upon receipt of such notice, to give a fresh one to such of those persons as are liable over to him, and against whom he must prove notice. *Bayl.* 83.

The holder of a bill dishonoured should carry it to a notary, who is to present it to the drawee, and again demand acceptance.

If the person entitled to notice be abroad, notice of non-acceptance should in this case be left at the place of his residence in England, and payment demanded of his wife or servant. *Esp.* Ca. N. P. 511, 512.

If a bill be accepted after it becomes due, and notice have been given, at the time the bill became due, of non-acceptance or non-payment, the acceptor will be bound to pay such bill on demand, the drawer and indorser being by such notice still held liable. 12 Mod. 410. Lord Raymond 366.

Notice in case of bankruptcy of the drawer, such notice not having been given to a person accepting a bill after the bankruptcy, he will be justified in paying such acceptance, although he has afterwards heard of the bankruptcy.

A bill of exchange in the hands of a person who is a *bona fide* holder is good, and must be paid although it has not in the first instance been actually given for value received. An usurious consideration or gaming  
debt



debt alone invalidates a bill in the hands of the *bona fide* holder. See *Bankruptcy, Consideration, Forgery, Promissory-Notes, Usances, Usury.*

**BILL OF ENTRY**, an account of the goods entered at the custom-house, both inwards and outwards. In this bill must be expressed, the merchant exporting or importing, the quantity of merchandizes, and the divers species thereof; and whither or whence transported. See *Customs.*

**BILL OF STORE**, a licence granted at the custom-house to merchants, by which they have liberty to carry custom-free, all such stores and provisions as they may have occasion for during their voyage. See *Customs.*

**BILL OF LADING** is a document given by the master of a vessel, acknowledging the receipt of certain goods shipped on board, whereby he contracts to deliver the same in good order and condition at the port of consignment. Of these bills it is customary to make out three, two of which, to be valid in this country, must be on a regular stamp; one of these should be transmitted, by the first conveyance, to the correspondent to whom the goods are consigned, the second remains with the shipper, and the third, which requires no stamp, remains with the master to ascertain the specific quantity of the merchandize shipped.

A bill of lading should be signed by the master within 24 hours after delivery of the goods on board.

The master is in no case compelled to deliver up the goods shipped at the port of destination, without a receipt for the same from the consignee. The indorsement of a bill of lading is an assignment of the goods themselves, but is not negotiable according to the custom of merchants. See *Shipping.*

**BILL, BANK**, is a note or obligation signed on behalf of the company of the bank of England, by one of the cashiers, for value received; or it is an obligation to pay on demand either to the bearer or to order.

**BILL OF SUFFERANCE**, a licence granted to a merchant at the custom-house, suffering him to trade from one port to another, without paying custom. See *Customs.*

**BILL OF PARCELS**, an account given by the seller to the buyer, containing the particulars of the sort and prices of the goods bought.

**BILL OF HEALTH.** See *Quarantine.*

**BILL OF SALE** is a deed whereby a person transfers his right or interest in certain personal effects.

By the 13 Eliz. c. 5, all fraudulent conveyances of lands, &c. goods and chattels, to avoid the debt or duty of another, shall (as against the party only, whose debt or duty is so endeavoured to be avoided) be utterly void, except grants made *bona fide* and on a good and valuable consideration. If the owner remain in possession after having transferred any effects for a valuable consideration, such continuance in possession is a fixed character of a fraudulent conveyance, and it shall not avail against an execution from any *bona fide* creditor. If goods continue in the possession of the vendor after a bill of sale of them, although there is a clause in the instrument that he shall annually account with the vendee, this transaction will nevertheless be fraudulent, and within the above cited statute. If a person execute a bill of sale of all his goods, in consideration of blood and natural affection to his son, or any other relation, such conveyance will be void with respect to creditors. See *Bankruptcy, Fraud.*

**BILLS, VICTUALLING**, bills issued by the victualling board in payment of contracts made for victualling the navy. They are in every respect the same as navy bills.

**BILLS, NAVY**, bills issued by the navy board for the payment of the various contractors for stores for the navy, dock-yards, &c.

Those bills till lately bore interest at four per cent. and were not payable at any fixed time; but now, by a very wise regulation, made in the end of the year 1796, they are payable at 90 days, with an interest of three pence halfpenny per day on each 100l. the same as exchequer bills. The brokerage, when sold or transferred, is 2s. 6d. the 100l., and the interest is calculated up to the day. Before the last regulation, navy bills were sometimes at 10, 15, and even 20 per cent. discount, which was attended with great loss to government, and loaded the money market in an extraordinary degree, for the jobbing, to which they gave place, was immense; besides, as the time of payment was distant, the quantity was sometimes very great. During 1796, the very year in which the regulation was made, 7,500,000l. of bills were paid off in the beginning of the summer, and 13,000,000l.

more

more before the end of the season. This accumulation can never now take place, owing to the shortness of the date, and there can be no great discount, owing to the certainty of payment. Of all the financial measures adopted during Mr. Pitt's administration, none does more service to the money market, or more credit to himself, than this well judged alteration in the term of navy bills.

**BILLS, EXCHEQUER,** government securities bearing interest. They are for 100l. each, 1000l., and even larger sums. Those of 100l. bear interest at the rate of three-pence per day, 4l. 11s. 3d. a year, but those for 1000l. and upwards bear three-pence halfpenny a day per cent. Exchequer bills, though the same in their nature and solidity, differ in their origin from navy bills in this, that they are issued in anticipation of revenue, and circulated by the bank of England to raise money. During the recess of parliament there is a sum left to the credit of the chancellor of the exchequer, to serve in case of exigency. The bank makes advances to the amount voted, for which the exchequer issues bills. There is a standing contract between government and the bank for the trouble and expence attending the issue and circulation of these bills.

Notice of the time at which they are to be paid is given by public advertisement, and the payment is made at the Exchequer Bill Office, St. Margaret's-street, Westminster. These are very saleable securities, and after the price of the day, whether above or below par, a fixed interest is calculated up to the day on which they are transferred or sold. The first issue was made in 1696, to supply the want of cash during a recoinage of the current money of the kingdom. They were found so convenient that they have been annually issued ever since that time.

**BILLINGSGATE,** a free market for fish held every lawful day, established by stat. 10 & 11 W. III. c. 24. and every person who buys fish in the said market, may sell the same in any other market place or places within the city of London or elsewhere by retail, with this exception, that none but fishmongers be permitted to sell in fixed shops or houses. No person or persons shall purchase at Billingsgate any quantity of fish to be divided by lots or in shares amongst any fishmongers or other persons, in or-

der to be afterwards put to sale by retail, or otherwise; nor shall any fishmonger engross or buy in the said market any quantity of fish, but what shall be for his own sale or use, under the penalty of 20l. No lobsters to be sold that are not eight inches from the peak of the nose to the end of the middle fin of the tail, on pain of forfeiting for each the sum of one shilling.

And it is farther enacted, that no fish (except stock-fish and live eels) caught by foreigners, unless protestant strangers inhabiting within this kingdom, shall be imported in any foreign vessel, not being wholly English property, and exposed to sale in this kingdom, under penalty of forfeiture of the vessel and fish, provided that nothing be construed to prohibit the importation of anchovies, sturgeon, botargo, or caviar, nor selling of mackerel before or after divine service on Sunday.

By stat. 1 G. I. stat. 2. c. 18, no fish taken by foreigners, except protestant inhabitants of England, shall be imported into this kingdom, under a penalty of 20l. to be levied by distress of the master of the vessel in which they are imported; provided that nothing in the said act shall extend to prevent the importing, buying, or exposing to sale, any eels, stock-fish, anchovies, sturgeon, botargo or caviar, as well as lobsters and turbot.

**BIRMINGHAM,** a large town in Warwickshire. It is no corporation, and therefore free for any manufacturer or other person to settle there, which has contributed greatly to its flourishing trade. The hardware manufactures of Birmingham have been noted for a considerable period; but of late years, by great additions to its trade from a variety of articles, such as metal buttons, buckles, plated goods, japanned ware, polished steel, swords, guns, &c. it has risen to be superior in population to any of the modern inland trading towns in England, Manchester excepted. It is plentifully supplied with coal by means of a canal to Wednesbury, about eight miles distant, which has a communication with the great trunk from the Trent to the Severn, by a branch passing by Wolverhampton. Birmingham goods are exported in great quantities to foreign countries, where, in point of cheapness and elegance, they are unrivalled. Formerly the Birmingham manufacturers sold their articles for the foreign

foreign market to merchants or factors established in London, who exported them; but for these last 30 years, there have been Birmingham factors and manufacturers who have sent travellers abroad, and carry on their commerce in all quarters directly themselves, and without the interposition of a London factor or merchant.

One of the greatest manufactories of this or any other country, is that of Mr. Boulton, at Soho, near Birmingham. The variety of articles made there is such as nearly to comprehend the whole circle of Birmingham manufactures. The new coinage of copper has been carried on there, founded upon a principle and executed in a manner that bids fair to put an end to the counterfeiting of that species of money. But the greatest advantage that the country has derived from the ingenious and spirited proprietors of that work, is the perfection of Mr. Watt's steam-engine, by which the expence of that useful machine is greatly diminished, and its application vastly extended. Amongst the mechanical inventions of the last century, this, both in point of ingenuity and ability, takes the first rank. By reducing the price of coals and all minerals, and furnishing those who want it with *power or moving force* at a reasonable price, it tends greatly to the *improvement* of a vast number of other branches of business and manufactures.

BLACK SEA, the ancient Euxine, bounded on the north by Catherinenslaf, Taurica, and the sea of Asoph; on the east by Mingrelin, Circassia, and Georgia; on the south by Natolia; and on the west by Romania, Bulgaria, and Bessarabia. The commerce of the Black Sea is so considerable by the advantages it affords, and the great quantity of goods it takes off, that the yearly import of them is supposed to be more than three millions of dollars. *Caffa* is one of the principal ports in it, distant about 700 miles from Constantinople. The Turks, Greeks, Persians, and Russians, are the people who support this trade, and vast quantities of merchandise are sold here both for the consumption of the place, and of many others, with which it maintains a correspondence. Here are annually sold to the value of 12,000 dollars in Venetian brocades; also another sort, of which the gold and silver is false, and the flowers like those of damask, to the amount of 7 or 8,000 dollars;

Scio damask to the amount of 20,000 dollars, and taffeties striped and plain to the amount of 15,000 dollars. There are likewise brought from Scio, 15,000 dollars' worth of fustian, and some from Constantinople. Of coffee there is sold yearly to the amount of from 15 to 20,000 dollars; and from 5 to 6,000 dollars in flax from Cairo. Of all these merchandises, a great part is consumed in the district of the Crimea; another portion is sent to the places situated near the Palus Mæotis.

The proceeds of these goods are in hides, wax, wheat, barley, butter, honey, and caviar. Of the hides there are two sorts; the best made at Caffa, being to the amount of 90,000 dollars yearly: these are carried to Smyrna, by the way of Natolia, and cost about a dollar each. The second sort are of an inferior quality, tanned in the neighbourhood of that city, which are sent to Constantinople. There is annually collected at Caffa, a large quantity of wax and honey, part of which goes to Smyrna, and the rest to Constantinople. There are also sent yearly to the latter 50 or 60 *sails* of wheat, and from 15 to 20 of barley. A very great quantity of butter is also sent hence to Constantinople.

BLACKWELL HALL, a repository and market for woollen goods, in Basinghall-street, London, established by stat. 8 & 9 W. III. c. 9. which directs that the public market be held there every Thursday, Friday, and Saturday, from 8 to 12 in the forenoon, and from 2 to 5 in the afternoon, and no other day or hour. And it enacts that the governors shall appoint convenient room in the hall for the sale of cloth belonging to country clothiers, and warehouse-room for the same, on payment of the ancient duties of the hall. No factor or other person, except the owner of the cloth, shall sell or expose to sale, out of the said market, any cloth directed to be brought to it, under the penalty of 5l. The hall-keepers, clerks, and master-porters, shall diligently keep books and registers of the sales and sellers and buyers, and their factors, which books shall be open to the clothiers, their agents or servants, at all convenient times, without fee. And any hall-keeper, clerk, or master-porter, neglecting his duty herein, shall for every offence forfeit 10l. And if any person purchase cloth of a factor or other person (except the owner)

owner) otherwise than for ready money, such factor, &c. shall, within twelve days after the sale and delivery, take, on demand of the buyer, a note, testifying under the buyer's hand the cloth sold, and the sum of money sold for, payable to the owner, with notice of the buyer's place of abode there subscribed, to the owner or any person authorized by him to receive the same, on pain to forfeit to the owner double the value. And if any woollen draper, buying woollen cloth on credit, shall refuse or neglect to give such note, on being required at any time next after eight days of the sale and delivery, he shall forfeit 20*l.* for every cloth so sold to the owner; and every piece of cloth not returned within eight days after delivery of the same, shall be deemed to be passed and approved of by the buyer as merchantable cloth; and all contracts for allowing a longer time for passing any cloth shall be void. These penalties recoverable in any court of record, but must be sued for within six months.

**BLACKWELL-HALL FACTOR.** Those of this business act by commission from the manufacturers of different sorts of woollen cloths in town and country, to supply whom they contract for large quantities of the various sorts of cloth in the counties where they are made, which they deposit in Blackwell-Hall, where there are separate places appropriated for each factor, whence he sells them to the merchants and retail dealers.

**BOATS, BARGES, &c. in the inland Navigation.** By *ct.* 35 G. III. c. 58 & 112, every barge, boat, wherry, or other vessel exceeding 13 tons, navigated on any river, canal, or navigation in Great Britain, shall be registered with the clerk of the peace, town-clerk, &c. of the county, riding, shire or place to which it belongs. The register and certificate shall set forth the nature of the vessel, and the name and place of abode of the master, with the number and capacities of the crew, the burthen, and also the line and extent of the navigation in which such vessel hath been usually navigated.

Such vessels to be surveyed by persons appointed by the lords of the admiralty, to whom the master shall produce his certificate of registry, and all other particulars in writing, under the penalty of 20*l.* and such vessels of this description, which are not so registered,

may be seized, and the master shall forfeit 20*l.* for every ton. The tonnage, names of the owners, &c. to be painted on the stern.

By *stat.* 41 G. III. c. 58, the London Assurance Company are empowered to insure vessels, barges, keels, boats, and other craft employed in inland navigation, and the goods, merchandize, and effects laden therein.

**BOHEMIA**, a kingdom of Europe, bounded on the north by Misnia and Lusatia, on the east by Silesia and Moravia, on the south by Austria, and on the west by Bavaria. It is 200 miles in length, and 150 in breadth; and is fertile in corn, saffron, hops, and pasture. The chief rivers are the Muldaw, Elbe, and Oder. In the mountains are mines of gold, silver, copper, tin, iron, lead, and quicksilver. Above a hundred towns and places might be named where mine-works have been established. All kinds of marble are likewise dug in Bohemia. Almost every kind of precious stones is found there, but in general deficient in hardness. Milk-white pearls, gathered in many places, are extremely beautiful. It is subject to the house of Austria, and the capital is Prague.

**BOLOGNA**, a city of Italy, the capital of the Bolognese, containing about 70,000 inhabitants, who carry on a considerable trade in silks and velvets. The surrounding country produces immense quantities of oil, wine, flax, and hemp; and furnishes all Europe with confectionary, distilled waters, and essences.

**BOMBAY**, an island of Hindostan, on the coast of the Deccan, 7 miles in length, and 20 miles in circumference. It contains a strong and capacious fortress, a large city, dock-yard, and marine arsenal. Here the finest merchant-ships in the world are built of teak, supplied from the neighbouring mountains, which is more durable than the best English oak. It is one of the three presidencies of the English East-India company by which their oriental territories are governed.

**BOND.** A *bond* or *obligation* is a deed whereby the obligor binds himself, his heirs, executors, and administrators, to pay a certain sum of money to another at a day appointed.

If the bond be without a condition, it is called a single or simple bond; but there is generally a condition



dition added, that if the obligor does some particular act, the obligation shall be void, or else shall remain in full force, as payment of rent, performance of covenants in a deed, or repayment of a principal sum of money borrowed of the obligee, with interest, which principal sum is usually one half of the penal sum specified in the bond. In case the condition is not performed, the bond becomes forfeited or absolute at law, and charges the obligor while living, and after his death the obligation descends on his heir, who is liable (on defect of personal assets) provided he has real assets, by descent, as a recompense. All persons who are enabled to contract, and whom the law supposes to have sufficient freedom and understanding for that purpose, may bind themselves.

If the condition of a bond be impossible at the time of making it, or be to do a thing contrary to some rule of law that is merely positive, or if it be uncertain or insensible, the condition alone is void, and the bond shall stand singly and unconditional. If it be to do a thing that is *malum in se*, the obligation itself is void, for the whole is an unlawful contract, and the obligee shall take no advantage from such a transaction; and if the condition be possible at the time of making it, and afterwards become impossible by the act of God, the act of law, or the act of the obligee himself, there the penalty of the obligation is saved; for no prudence or foresight of the obligor could guard against such a contingency. *Co. Lit.* 206.

On the forfeiture of a bond, the whole penalty was formerly recoverable at law; but by statute 4 and 5 Anne, c. 16, it is enacted, that in the case of a bond, conditioned for the payment of money, the payment or tender of the principal sum due, with interest and costs, even though the bond be forfeited, will be a bar to the action.

Where the condition of a bond is to perform a collateral act, in some cases damages may be recovered beyond a penalty.

By statute 2 Geo. III. c. 25, the stealing of any bond or bill, &c. for money, being the property of any one, is made felony, as if offenders had taken other goods of like value.

The bond of a *feme covert* is void, and neither binds her or her husband. An infant, though liable for his necessities, such as meat, drink, cloaths, phy-

sic, schooling, &c. yet if he bind himself in an obligation, with a penalty, for the payment of any of those, the obligation is void. If a person be illegally restrained of his liberty, and during such restraint enter into a bond to the person who causes the restraint, the same may be avoided. *Co. Lit.* 253. Although an infant, *feme covert*, &c. who are disabled by law to contract and to bind themselves in bonds, enter, together with a stranger who is under none of these disabilities, into an obligation, it shall bind the stranger, though it be void as to the infant, &c.

If a person enters voluntarily into a bond, though there was not any consideration given, if there be no fraud used in obtaining the same, the bond shall not be relieved against in equity; but a voluntary bond may not be paid in a course of administration, so as to take place of real debts, even by simple contract; yet it shall be paid before legacies, 1 Chan. Cas. 157. An heir is not bound unless he is named expressly in the bond, though the executors and administrators are.

Any two or more may bind themselves jointly in an obligation, or they may bind themselves jointly and severally, in which case the obligee may sue them jointly, or he may sue any one of them, at his election: but if they are jointly, and not severally bound, the obligee must sue them jointly. Also, in such case, if one of them dies, his executors are totally discharged, and the survivor and survivors only chargeable.

To avoid controversies, three things are necessary to the making a good obligation—signing, sealing, and delivery; although it has been adjudged not to be indispensable that the obligor should sign or subscribe his name, sealing being sufficient.

A bond on which neither principal nor interest has been demanded for twenty years, will be presumed in equity to be satisfied, and be decreed to be cancelled; and a perpetual injunction granted to stay proceedings. 1 Chan. Rep. 78. Satisfaction may also be presumed within a less period, if any evidence be given in aid of the presumption, as if an account between the parties has been settled in the intermediate time, without any notice having been taken of such a demand: yet length of time is no legal bar, it is only a ground for a jury to presume satisfaction. 1 Term Rep. 270.

If several obligors are bound jointly and severally, and the obligee makes one of them his executor, it is a release of the debt, and the executor cannot sue the other obligor. 8 Co. 136. 1 Salk. 300. But though it be a release in law, in regard it is the proper act of the obligee, yet the debt by this is not absolutely discharged, but it remains assets in his hands to pay both debts and legacies.

If one obligor makes the executor of an obligee his executor, and leaves assets, the debt is deemed satisfied, for he has power, by way of retainer, to satisfy the debt; and neither he nor the administrator *de bonis non*, &c. of the obligee can ever sue the surviving obligor.

But if two are bound jointly and severally to A, and the executor of one of them makes the obligee his executor, yet the obligee may sue the other obligor.

If two are jointly and severally bound in an obligation, and the obligee release to one of them, both are discharged. Co. Lit. 232. See *Discharge, Release, Satisfaction*.

**BONDS, INDIA.** The trading capital of the India Company consists partly of the money paid by the original proprietors for shares in the stock of the company, and partly in loans raised by authority of government, for which the company issued bonds of 100l. and 50l. each, bearing interest at the rate of five per cent., payable at the India House, on the 21st of March and 30th of September in every year. The brokerage is one shilling for each bond bought or sold, and the interest is always reckoned up to the day of sale.

The company has a right in virtue of an act of parliament, passed in 1794, to issue another million of bonds similar to those now in existence, but for this purpose the consent of the Board of Controul is necessary.

**BOND, POST-OBIT**; a bond one and the main condition of which is that it only becomes payable after the death of some person, whose name is therein specified. In its contents and tenor it resembles in all other respects ordinary bonds, but the law with respect to the consideration given, or the negotiation of post-obit bonds, is totally different from that of simple bonds. The death of any person being uncertain as to time, the risque attached to such bonds frees them from the shackles of the common law of

usury. In the case of *Wheaton v. May*, the lord chancellor determined that bonds bought for half their value did not amount to usury, on account of the risque and contingency with which they were attended.

**BONDS, CUSTOM-HOUSE.** Bonds are given to the customs upon the exportation or importation of certain articles, and by ship owners previous to their obtaining certificate of registry. See *Customs, Shipping*.

**BONDS OF BOTTOMRY.** See *Bottomry*.

**BOOKS.** By 8 Anne, c. 19, authors and proprietors of books shall have the sole right of printing them for twenty-one years; and any bookseller or printer, printings, reprinting, or importing books without the consent of the proprietor or proprietors thereof first had and obtained in writing, signed in the presence of two or more credible witnesses, or knowing the same to be so printed or reprinted without the consent of the proprietors, who shall sell, publish, or expose to sale such book or books without such consent first had and obtained, shall forfeit such books, and every sheet of the same, to the proprietor or proprietors of the copy thereof, who shall forthwith damage and make waste paper of them; and further, that every such offender or offenders shall forfeit one penny for every sheet which shall be found in his possession or custody, either printed or printing, published, or exposed to sale, contrary to the true intent and meaning of this act, one moiety to the queen, the other to the informer.

None of the above forfeitures and penalties to attach unless the title shall, before such publication, be entered in the register book of the Company of Stationers, in such manner as hath been usual, for every of which several entries six pence shall be paid. The register book may be inspected at all reasonable and convenient times by any one without fee or reward, and the clerk of the company shall as often as required give a certificate of such entry under his hand, for which he may take a fee not exceeding sixpence. (See after 41 G. III. s. 4.)

Nine copies of each book upon the best paper shall be delivered by the printer or printers thereof, to the warehouse keeper of the Company of Stationers, at their hall, before such publication made, for the use of the royal library, the libraries of the Universities of Oxford and Cambridge, the libraries

of the four Universities in Scotland, the library of Sion College, and the library belonging to the College of Advocates in Edinburgh, respectively; and the warehouse keeper of the Stationers' Company is to deliver the said book within ten days after demand by the keepers of the respective libraries, or any person by them properly authorized.

Books in Greek, Latin, or foreign languages, printed abroad, are not within this act.

Actions for offences against this act to be commenced within three months.

Provided always that after the expiration of fourteen years the sole right of printing or disposing of copies shall return to the authors thereof, if they are then living, for another term of fourteen years.

By stat. 34 G. III. c. 20. s. 57, and 41 G. III. c. 107. s. 7, persons importing for sale books first printed within the united kingdom, and reprinted in any other, such books shall be forfeited, and may be seized by the officers of excise; and every person exposing to sale, or having in his possession any such books, shall, for every such offence, forfeit the sum of 10l., and the commissioners of customs or excise may reward such officers seizing such books. The penalties not to extend to books not having been printed for twenty years.

By the act of union, st. 40 G. III. c. 67, all prohibitions and bounties on the export of articles (the produce or manufacture of either country) to the other shall cease, and a countervailing duty of *two pence* for every pound weight avoirdupois of books, bound or unbound, and of maps or prints imported into Great Britain, directly from Ireland, or which shall be imported into Ireland from Great Britain.

By stat. 41 G. III. the same privileges and regulations with respect to copyright, granted by the preceding acts, are re-enacted, and granted to authors of the united kingdoms of Great Britain and Ireland.

By s. 2. This act shall not extend to books already published, nor indemnify against penalties under former acts in force at the union between Great Britain and Ireland.

By s. 3, Trinity College, Dublin, is under certain penalties, to have the exclusive right of printing and reprinting such books as are bequeathed to them by will.

By s. 4, booksellers, printers, or publishers shall

not be liable to the penalty of threepence per sheet, unless the title to the copyright be first entered by the proprietor at Stationers'-Hall, London, nor if the consent of the proprietor be so entered.

By s. 6, two additional copies of books to the nine before required shall be delivered at Stationers'-Hall, for the use of the libraries of Trinity College, and the King's Inns, Dublin.

BOOK OF RATES, is a book established by parliament, shewing at what value goods that pay duties shall be reckoned at the custom-house. See *Customs, Tonnage*.

BOOK OF CARGO OR LOADING, is a book kept by the mate on board a trading vessel, in which he enters all the merchandizes which comprise the cargo of the ship, the places for which they are shipped, and to whom they are directed; the whole as it is specified in the master's bill of lading.

BOOK-KEEPING is the art by which mercantile transactions are first recorded in an accurate and authentic manner, and afterwards arranged in such a regular and systematic mode, as to enable the details and result of all the transactions, jointly and separately, to be ascertained with ease and accuracy.

The books of a merchant should contain every particular relative to his transactions and the state of his affairs; they should shew the profit or loss on each particular transaction, as well as the general result of the whole.

An art which accomplishes so necessary an object will certainly be allowed to be of the first importance to the mercantile world in general, and of course must engage their particular attention, for it may truly from experience be said, that the property of a merchant or trader rests greatly on the regularity and correctness of his accounts; it is from such regularity he is enabled to ascertain how far the business he is engaged in is advantageous, at the same time that it is an assistant to his prudence in his various transactions; for if a merchant cannot daily see the state of his several accounts, does he not expose his credit and capital at a venture? and may it not be asserted, that from such negligence or inattention the first characters have been ruined? Thus far then may the art of book-keeping be deemed as forming an essential part of a merchant's capital.

As to the origin of that manner of book-keeping, known

known by the name of the *Italian method*, by double entry, which is generally preferred as being the best, it is only necessary to state that Lucias Pacioli was the first who introduced it at Venice, in the year 1495, and in London it was introduced by Mr. James Peele in 1569.

The essence of the art of book-keeping, according to the Italian method, by double entry, is simply this:

1st. To open a set of books, in which whatever goods, stocks, money, or bills belonging to you, or debts due to you, must be made debtors, and the account of stock must be made creditor.

2d. Whatever debts are due by you, or bills or notes payable by you, such persons are to be made creditor, and also the account of bills payable, to all which the account of stock is to be debtor.

*When such accounts are entered.*

3d. If you sell any of your property for ready money, cash is debtor to the property sold, explaining the transactions. If sold at credit, without notes, the purchaser is debtor. If a note be taken in payment, notes receivable is debtor.

4th. If you purchase any thing, what you buy is debtor, what you pay it with, whether by bank, cash, banker or bill, is to be made creditor.

5th. The whole is grounded upon this principle, whatever you are possessed of, or what is due to you, or what you purchase, is debtor. What you sell, the bills you have to pay, and the persons you are indebted to, are creditors, and to express it in short :

Whatever comes into your hands is debtor, whatever goes out is creditor.

Books may be kept either by single or double entry.

Single entry is chiefly used in retail business ; and is the shortest and most simple mode, though not the most perfect. It chiefly records transactions on credit, and from it a merchant or other person may know the amount of his debts and credits, in detail as well as in their gross and general amount, he may balance accurately his accounts with each person with whom he deals, but he cannot by single entry ascertain the stock on hand, nor can he find out the result of any particular part of his dealings without taking stock. That is, in order to know his exact situation, a man in trade who keeps books by single entry, must weigh, measure, or enumerate whatever goods are on

hand, which, together with the balance of debts and credits, as contained in the books, will show his net property, from which if his original stock is deducted, the gain or loss will be ascertained.

In double entry three principal books are required, the waste book, journal, and ledger.

The waste book (or day book) gives a regular and separate detail of every transaction in business, precisely as it takes place in the order of time. The details in this book should be clear, simple, and short, and no circumstance that it may ever at a future period be important to know should be omitted ; it may sometimes refer to invoices or written accounts, but must never require to be aided by the memory of the person by whom it is written.

This book, which is the foundation of the journal and ledger, ought to be kept with the greatest care and attention ; as if that is properly done any error that may be made in the other books, may be detected and set to rights at any future time ; but if an error is made in the waste book, it necessarily must go into all the others, and can never by that means be discovered or set right.

In keeping the waste book one of the most essential rules is to write down each transaction at the very moment it takes place. The transactions recorded may then be sworn to in a court of justice, as without recollecting the particulars of any single affair, the person who recorded it may swear that he wrote it down at the time exactly as it took place, which oath, if positively given, entitles the writing in question to credit. In this respect that book is essentially different from the others, which may be written at the most convenient time, and even at the end of years may be made out with perfect regularity and accuracy ; or they may be kept by persons at any distance and totally unconnected with the business carried on, whereas the waste book can only be well written by one who is acquainted with the nature of the transactions, and at the time they take place.

The JOURNAL records the same transactions as the waste book, and in the same order with respect to time, but in a different mode of arrangement. In the journal, debtors and creditors of the various accounts are ascertained for the purpose of transferring them more easily into the ledger.

So far as transactions regard those with whom one deals,



deals, the entries of debtor and creditor are on the same easy and simple plan with single entry; but in double entry, *things* (that is, articles of commerce and cash) as well as *persons*, are made debtors and creditors; and *one thing or person* is made debtor to *another thing or person*.

As in the waste book, the great points are brevity,

accuracy, and truth, so in the journal, the great and essential point, and indeed the most difficult in the practical part of book-keeping, is the *entering the articles to their proper accounts*; but when once that is done, nothing but negligence can occasion any error in the ledger, from which the result of all and each transaction is to be gathered.

*Example of Book-keeping by Double Entry.*

WASTE-BOOK.

These marks shew that the articles have been entered and transferred to the journal.	LONDON, SEPTEMBER 12, 1802.			£.	s.	D.
	✓	James Edwards owes me, as per old ledger	—	500	—	—
		13				
	✓	Bought of James Edwards, 1000 oz. of silver, at 6s. per oz. on account		300	—	—
		14				
	✓	Sold Thomas Jones, on credit, 330 oz. of silver, at 6s. 8d.	— — —	110	—	—
		15				
	✓	Received of Thomas Jones, On account, in cash	— — —	80	—	—

*Journal of the same transactions.*

Folio of Ledger.	LONDON, 12th SEPTEMBER 1802.				£.	s.	D.
9	James Edwards Dr. to Stock,						
9	For balance owing	—	—	—	500	—	—
	13						
9	Silver Dr. to James Edwards,						
9	For 1000 oz. at 6s. bought on account	—			300	—	—
	14						
9	Thomas Jones Dr. to Silver,						
9	For 330 oz. at 6s. 8d.	—	—	—	110	—	—
	15						
9	Cash Dr. to Thomas Jones,						
9	For received of him on account	—	—	—	80	—	—
9	Silver Dr. to Profit and Loss,						
9	For amount gained on that article	—	—		11	—	—
9	Profit and Loss Dr. to Stock,						
9	For amount of gain transferred	—	—		11	—	—

The journal is only a preparatory book for entering the transactions into the ledger, in which they are all placed under their respective heads. Every account being entered twice, is the cause of its being called double entry.

*Specimen of a LEDGER made from the same transactions, contained in the foregoing examples of a  
WASTE-BOOK and JOURNAL.*

9

LEDGER.

LEDGER.

9

1802			1802		
Sept. 12.	James Edwards, Dr.	£. s. d.	Sept. 12.	Per contra, Cr.	£. s. d.
	To Stock — — 1	500 — —		By silver — — 1	300 — —
	To balance brought down	200 — —		By balance carried down	200 — —
					500 — —
13.	Silver, Dr.		13.	Per contra, Cr.	
	To 1000 oz. at 6s. per oz. 1	300 — —		By Thomas Jones, 330 oz. at	
	To Profit and Loss, gain	11 — —		6s. 8d. — — 1	110 — —
	To balance brought down	201 — —		By balance carried down,	
				670 oz. at 6s. —	201 — —
					311 — —
14.	Thomas Jones, Dr.		14.	Per contra, Cr.	
	To silver for 330 oz. at 6s. 8d. 1	110 — —		By cash — — 1	80 — —
	To balance brought down	30 — —		By balance carried down	30 — —
					110 — —
15.	Cash, Dr.		15.	Per contra, Cr.	
	To Thomas Jones, for paid			By balance — —	80 — —
	on account — 1	80 — —			
	Profit and Loss, Dr.			Per contra, Cr.	
	To stock transferred to	11 — —		By silver, gained on that ac-	
				count — —	11 — —
	Balance, Dr.			Per contra, Cr.	
	To James Edwards —	200 — —		To stock, net amount of my	
	To silver — —	201 — —		estate — —	511 — —
	To Thomas Jones —	30 — —			
	To cash — —	80 — —			
		511 — —			

After

After each account is posted twice from the journal into the ledger on the opposite side, if correctly done, it is evident that the debtor side will equal that of the creditor; this, when cast up, affords a sort of check on the proceedings, and where business is regularly carried on, is generally done once every day, week, or month, or at some fixed period, according to the extent or nature of the business.

The titles of the ledger accounts, which generally occupy two pages facing each other, and called a folio, have always debtor to the left, and creditor to the right, as in the example given, and out of the articles, regularly posted from the journal, arise two accounts, one called *profit and loss*, and the other *balance*.

The balance account contains on the debtor side all the property consisting in goods sold and unpaid, cash in hand, and goods unsold. On the other side, that is, the creditor side, every thing owing whatever it may be; and the difference between those two sides shews the real state of affairs, whether a positive or negative sum.

Another mode of ascertaining the true situation of a merchant's affairs, is by balancing the profit, and loss. If the result is gain, that is added to the original stock; if it turns out to be loss, it is deducted, and the remainder, whatever it is, shews the real situation.

To inspect the books in order to discover if there is any error, the usual and best method is for one person to read the journal aloud, while another inspects the ledger, by which means any error in posting will be immediately detected.

When new books are opened from a former set, they begin with stating the result or balance that appears by the former set.

Besides the three regular books which are essential to constitute a regular system, there are a number of smaller ones called *subsidiary books*; of these the number may be greater or less according to the variety and intricacy of the transactions, and they are resorted to or begun as they are found to be necessary. A cash book and bill book are the two that are the most necessary, and can scarcely in any case be dispensed with. Into the cash book are entered all disbursements and receipts, however great or small, and to avoid incumbering the waste book, and the regular

set of books with too great a variety of small articles, the disbursements or receipts under one head, are from time to time included in one single entry.

A *letter book*, *book of sales*, *invoice book*, *receipt book*, and many others that may be useful, and even indispensable, make, however, no part of the books properly included in the regular system, though they have often, even by the most intelligent writers on the subject, been confounded or mixed with it. It is evident that if every real transaction is entered in the waste book at the time, it can never be necessary to have recourse to any other for the foundation of any transaction, for as soon as it comes into a regular form, and property is actually transferred, it is to be found in the waste book.

Book-keeping is so necessary to every mercantile man, that no person concerned in such affairs can dispense with a knowledge of the principles on which it proceeds, yet to enter into the details any further than by way of example, would be deviating from the plan of this work. As to the number of auxiliary books, as has been said already, they depend very much on the nature of the transactions in which the person to whom they belong is engaged, and this is the principal cause why no one system has been declared and esteemed at all times and places superior to any other, the very contrary of which is the case, as different authors have favourite systems, and they again have abettors, defenders and opposers amongst mercantile men. This circumstance alone proves that no system yet known will apply to every case.

It has sometimes been the case that men who neither have kept regular books, nor know how to keep them, have succeeded well in business, and acquired fortunes by trade; but besides that these examples are very rare, many circumstances must concur to make them possible; as where the gains are very considerable, the business, simple in its nature, and the goods or materials used, such as are not liable to be wasted or embezzled. It is absurd to look for one general and perfect system of book-keeping that will apply in all different cases. A good understanding and thorough knowledge of the subject is necessary to apply general rules to particular circumstances, and hence arises the necessity of having for important affairs, book-keepers of the first talents in their line.

The commerce of former times had not the advantage of the present improved state of book-keeping. When the Medicis family, perhaps the greatest merchants in the world, were in their glory, double entry had not been invented, yet still good order reigned in their affairs.

This is, if there were no other, a proof that double entry is not absolutely necessary, though it must be considered as one of those inventions which have so much tended to abridge and facilitate the labour of man.

The best general rules for mercantile men are to be very attentive, either personally, or by means of some careful and trusty person, to the keeping of the waste book; and after that to employ some one, whose skill in book-keeping is known from experience, to keep the journal and ledger, strike balances, &c. When transactions are numerous, this will be full employment for one person; where they are not, it is wise to get the occasional assistance of men whose practical knowledge renders them equal to performing the business with accuracy: for as a set of books well kept inform a man as to the gain or loss of his transactions, so if badly kept they may let him run to ruin while he thinks he is gaining a fortune.

The physical and practical mode of proving the accuracy of books, is to take stock both of cash and goods; add to the amount of both what is due as owing to you, and deduct from the sum total what you owe; if the books are well kept, this will correspond in the result with the balance they shew, and if there is any mistake, will prove its existence, though it will even, after all, require an examination to find out where the error lies.

BORNEO, an island in the Indian Ocean, discovered by the Portuguese in 1521, and, except New Holland, the largest in the world, being one thousand eight hundred miles in circumference. The inland country is mountainous, but towards the sea low and marshy. It produces rice (the best in all Asia), pepper, fruits, pearls and bees wax; the East India Company had factories here, but differences arising between them and the natives, they were all either driven away or murdered. However, in 1772, the English obtained a grant from the Sooloos

of the North, and established a factory in part of this island.

The chief commerce is maintained with China. The best building timber in the world grows there. Diamonds are found in considerable quantities in the rivers. The best mode of introducing the manufactures of this country into the interior of China would probably be by having houses well assorted there to exchange with the Chinese, who traffic with it in vessels of their own construction.

**BORROWING**; money or any other property may be borrowed, which consists in a person receiving from another for a certain time, on certain conditions, the use of the property in question. This term is most generally applied to money, not as being the only sort of property susceptible of being borrowed, but as the sort most generally borrowed. The person from whom a thing is borrowed is termed the lender.

Money, when borrowed, is either delivered over for a certain time out of friendship, and without interest, or on a certain rate of interest. One condition of borrowing is, however, in all cases, that the money or other property shall be restored either at a certain time, or on certain conditions. The time and conditions depend on circumstances or agreement.

When money, corn, grain, gold, or any other commodity, merely esteemed according to its price, is borrowed, it is repaid by returning an equal quantity of the same thing, or an equal value in money; but when a horse, a house, or any such property is borrowed, the restoration of the identical property is always understood.

In a commercial point of view, when money is borrowed it is always understood that interest is to be paid, and in case of a failure of payment, interest is by law demandable; and when other property is borrowed the use of it is comprehended under the name of rent or hire.

When money is borrowed unconditionally, it is always a personal claim, and bears, if demanded, legal interest; but when conditionally then the articles are to be looked into. When the use of any other species of property than money is borrowed, then the borrower must return it with the hire, as expressed in the agreement, or such as is liable to be fixed by a jury or by arbitrators.

During



During the last 120 years the expences of wars have been defrayed by most nations in Europe with borrowed money. Trade is also often carried on with money borrowed by one man from another. In all which cases interest may be demanded, but that must not be at a greater rate in this country than five per cent. per annum. When there is a contingency or condition that implies a risque, then there is no *positive* limitation; by the law, therefore, personal obligation implies a security in which there is no risque, the borrower, though liable to sudden death, being always considered as solvent, and a debt so contracted bearing upon heirs and executors, &c. See *Hiring, Interest, Usury*.

**BOTANY BAY.** See *New South Wales*.

**BOSTON**, the capital of New England, in the United States of America, situated in a peninsula of about four miles in circumference, at the bottom of Massachusetts Bay, in a very convenient situation for trade. The ocean and forests afford the two principal articles of export, and therefore the trade is great, as it supplies a large quantity of goods from within itself; but it is yet greater, as the people in this state are in some measure carriers for all the colonies in North America, and to the West Indies, and even to some part of Europe. The commodities which it yields are principally pig and bar iron, which were imported to Great Britain duty free, also masts and yards, pitch, tar, and turpentine, for which they contracted largely with the royal navy, pot and pearl ashes, staves, lumber, boards, all sorts of provisions, which they send to the French and Dutch sugar islands, and formerly to Barbadoes and other British isles, as grain, biscuit, meal, beef, pork, butter, cheese, apples, cyder, onions, mackarel, and cod fish dried. They likewise send thither cattle, horses, planks, hoops, shingles, pipe-staves, oil, tallow, turpentine, bark, calf skins, and tobacco. The peltry trade is not very considerable. They have a most valuable fishery upon their coasts in mackarel and cod, which employs vast numbers of their people, with the produce of which they trade to Spain, Italy, the Mediterranean, and the West Indies, to a considerable amount, and they manufacture coarse linen and woollen cloth for their own use; hats are made here, which find a good vent in all the other colonies; sugar baking, distilling,

papér making, and salt works, are upon the improving hand. The business of ship building is one of the most considerable, which Boston, Newbury, or the other seaport towns in New England carry on. Ships are sometimes built here upon commission.

**BOTTOMRY and RESPONDENTIA.** Bottomry is a contract in nature of a mortgage of a ship, on which the owner borrows money to enable him to fit out the ship, or to purchase a cargo for a voyage proposed; when he pledges the keel or bottom of the ship as a security for the repayment; and it is stipulated, that if the ship should be lost in the course of the voyage, by any of the perils enumerated in the contract, the lender also shall lose his money; but if the ship should arrive in safety, then he shall receive back his principal, and also the interest agreed upon, which is generally called the marine interest, however it may exceed the legal rate of interest. Not only the ship and tackle, if they arrive safe, but also the person of the borrower, is liable for the principal lent, together with the marine interest.

When the loan is not on the ship, but on goods laden on board, which, from their nature, must be sold or exchanged in the course of the voyage, the borrower's personal responsibility is the principal security for the performance of the contract, which is therefore called respondentia. In this consists the principal difference between bottomry and respondentia. The one is a loan upon the ship, the other upon the goods. In the former, the ship and tackle being hypothecated, are liable as well as the person of the borrower; in the latter, the lender has in general only the personal security of the borrower. But the personal responsibility of the borrower is not in all cases the only security of the lender; where the money is lent for the outward and homeward voyage, the goods of the borrower on board, and the returns for them, whether in money, or in other goods purchased abroad with the proceeds, are liable to the lender. The money is to be repaid by the lender, with the marine interest, on the safe arrival of the ship in the one case, and of the goods in the other. In other respects these contracts are governed by the same principles.

Bottomry differs materially from a common loan. In a loan, the money is at the risk of the borrower;

in bottomry, the money is at the risk of the lender during the voyage. On a loan the legal interest only can be reserved; but on bottomry the interest depends on the contract between the parties. Contracts of bottomry are generally either in the form of a bond or a deed poll.

Every person having a vested or assignable property in a ship or cargo may borrow money on bottomry or respondentia; but this he can only do in the absence of the owners. Yet it has been said, that if money be borrowed beneficially, and employed in supplying the necessities of the ship, and in discharge of the owners, they are liable for the money thus expended. But this liability must be understood as for money paid for their use, not on the contract of bottomry.

Even in a foreign country, the master can only borrow money in case of necessity, which must appear on the face of the contract; but the lender is not bound to look to the application of the money.

Money may be borrowed on respondentia without hypothecation. The borrower may, and frequently does take the money on board in specie, to employ it in trade. But it is essential that the money, or its equivalent, be exposed to the perils of the sea, at the risk of the lender. This practice, however, having been found injurious, and tending to the fraudulent destruction of ships, the statute 16 Car. II. c. 6, re-enacted and made perpetual by 22 Car. II. c. 11, after a preamble, stating, "that whereas it often happens that masters and mariners of ships having insured, or taken upon bottomry, greater sums of money than the value of the adventure, do wilfully cast away, burn, or otherwise destroy the ship under their charge, to the merchant's and owners great loss," for the prevention thereof in future enacts, "that if any captain, master, mariner, or other officer belonging to the ship, shall wilfully cast away, burn, or otherwise destroy the said ship to which he belongeth, or procure the same to be done, he shall suffer death as a felon."

Wagers in the form of bottomry contracts are permitted in some parts of Italy. They are prohibited in France. And this species of gaming coming into use in England, the 10th st. Geo. II. c. 37, directs, that on East-India voyages the money shall not only

be lent on the ship or goods, on board, with benefit of salvage to the lender.

In the case of a respondentia bond for money lent by a British subject on goods on board of an American ship, on a voyage from Bengal to England, the court, although they did not give a decided opinion, gave it as an opinion that it was void.

Freight may be insured, and of course it may be hypothecated on a bottomry contract.

Seamen may borrow money, on marine interest, on their property on board, but not on their wages.

No rule can be fixed for the precise interest or profit to be taken on bottomry bonds; but it must be settled by contract between the parties. The quantum does not render it illegal, provided the money be *bona fide* put in risk, this being the essence of a bottomry or respondentia contract; and by the general law of merchants, the contract of bottomry, like that of insurance, is merely executory till the risk has been commenced; and the borrower may at pleasure, by giving up the voyage proposed, or not shipping the goods on which the money was lent, prevent it ever taking effect.

As soon as the risk ceases, either by the ship's arrival, the expiration of the term, or otherwise, the marine interest ceases, and the debt becomes absolute. From that time, if the borrower delay payment, it bears only the legal interest.

When the time of the risk is limited, the risk and the marine interest end with the time, although the voyage be not ended; and this even if the ship be prevented by inevitable accident from performing her voyage within the time limited. *Ingledeu v. Foster*, 4 Vin. 281.

If, when the sea risk is ended, the borrower delays payment, the common interest begins to run *ipso jure*, without any demand; but this interest runs only on the principal, not on the marine interest.

It is essential to this contract, that not only the money be lent on a ship or goods, but likewise that these be exposed to the risk of the sea, at the risk of the lender, and that the repayment on the marine interest depend on the safe arrival of the ship; so that the perils are nearly the same as those on a policy of insurance. Piracy, though not usually expressed

pressed in the security, is a loss within the contract. *Barrow v. Wollford*, Comb. 56.

Nothing short of a total loss will discharge the borrower. No damage will invalidate the contract, nor will any allowance be made for such damage, unless by special stipulation. Neither will a temporary detention discharge the borrower, unless the voyage be thereby lost. *Joyce v. Williamson*, B. R. Mich. 23 Geo. III. MS. And no loss is to be imputed from the perils of the sea which arise from want of sea-worthiness, or other internal defect of the ship or goods, unless by special covenant. The act of the owners, or master, or borrower, is not a peril at the risk of the lender; smuggling, for example, whereby the ship or goods are confiscated.

If the ship do not sail on the voyage described, or deviate without necessity, the lender will be discharged from the risk. *Western v. Wildy*, *Skin*. 152. *Williams v. Stedman*, *Skin*. 345. *Holt's Rep.* 126.

Changing the ship without necessity, here, as in insurance, discharges the lender.

Money is generally lent for the whole voyage outward and homeward, for either separately, or for a limited time. The contract generally specifies the commencement and end of the risk, and any misfortune occurring before or after is at the risk of the borrower. If the commencement and termination of the risk be not mentioned, the risk as to the ship shall commence from the time she sets sail, and continue till she anchors at the port of her destination; and as to the goods, from the time they are shipped till they be landed. When the loan on goods is both for the outward and homeward voyages, the lender continues liable during the homeward voyage of the goods by which those have been replaced whereon the money was lent.

Lord Mansfield and Lord Kenyon have both held, that by the law of England there is neither average nor salvage on bottomry contracts. *Joyce v. Williamson*, B. R. Mich. 23 G. III. MS. *Walpole v. Ewer*, *Park*. 423. This point, however, has never been decided. But whatever be the true rule of law on this subject, it has been determined, that if an insurance be made in England on a respondentia interest upon a foreign ship, and it appear that the lender is liable by the law of the country to which the ship belongs, to contribute to a general average, the un-

derwriters on the policy will be liable for such contribution. *Walpole v. Ewer*, *Park*. 423.

BOULOGNE, a town on the coast of France in the department of the straits of Calais, chiefly inhabited by merchants, and a place of considerable trade. It derives its chief trade from fisheries, particularly herrings and mackerel. It was a depot for claret, champagne, and burgundy wines previous to the war, and English merchants alone are supposed to have rented cellars to the amount of 30,000l. sterling. Many of the smugglers take in their cargoes there, as its vicinity to England is favourable to illicit trade.

BOUNTIES are only given in cases where the trade or commerce tends to public benefit, and are of such a nature, as would not, without such aid, reimburse the outlay of money, together with a sufficient profit to induce individuals to carry on the business for the encouragement of which the bounty is given. When an article of manufacture, commerce, or agriculture is such as to answer the above description, bounties may be productive of great advantage; but when the article proves otherwise the bounty either is an imposition upon the public in favour of an individual, or it is an encouragement given to an operation that should not take place.

If individuals can repay themselves by their commercial operations without the aid of a public bounty, then, as in all other cases, they will be induced to proceed, and the bounty will be thrown away. If, on the other hand, the business cannot be carried on without a bounty, but is productive of no particular advantage to the state, a bounty would be improperly given, as the public burden occasioned by it would not be attended with any public advantage.

The following are the articles on which bounties are at this time allowed, from which the attention paid by the legislature to the commercial, agricultural, and manufacturing interest of this country, may be estimated; cordage, corn, wheat, malt, rye, or rye ground, barley, beer, malt, oats, oatmeal, gunpowder, linens, British or Irish buckrams, fillettings, sail cloth, salted beef or pork (cured with salt which has paid duty), ribbons, and stuffs of silk only, silk gauze, stockings, silk gloves, silk fringes, silk laces, stitching or sewing silk, silk, and ribbons of silk mixed with gold and silver, stuffs of silk and program yarn

stuffs of silk mixed with iuncle or cotton and gauze, sugar refined from sugar of the British plantations, hump water-rotted, bright and clean, of the growth of Ireland, raw silk of the growth of the British colonies in America, imported directly from thence into the port of London, tobacco damaged, wines damaged or corrupt or unmerchantable; but no allowance to be made for any wines, unless imported in casks on board a merchant's ship, directly from the place of the growth, or the usual place of shipping, except as to ships stranded.

Bounties for the encouragement of fisheries and several other objects are easily understood, and it may be determined decidedly what advantage they produce, but that which has been given sometimes for the exportation, and sometimes for the importation of grain, has a more complicated operation, and has produced different opinions, even amongst the best informed. The corn trade has altered so completely within these few years, that none of the theories either of Mr. Smith, Mr. Necker, or of any writers on that important subject, are adequate to explain the reasons for its unprecedented advance. Cattle, butter, and the other necessities of life, on which there is no bounty, have always kept pace in their prices nearly with the grain, which is a presumptive proof that the bounty has no such powerful operations either one way or the other, as has been generally imagined.

Bounties have been generally given in this country on the exportation of an article in preference to the production of it, upon the principle of making it sufficiently cheap for a foreign market with less expense to the public than a bounty on production would occasion; for to render it equally cheap abroad by means of a bounty on the production, the article must necessarily be made much cheaper to the home consumer, which is, taxing the body at large, in order to enable a certain class to consume one particular article at a lower rate than they otherwise would do.

A bounty on exportation has a contrary effect, in one respect, from a bounty on production; though with regard to exportation, both have nearly the same. The price is *raised* to the consumer at home by the bounty on exportation, instead of being *lowered*, as it would be by a bounty on production. Mr.

Smith states that he has known instances where the different undertakers of some particular works agreed to pay a bounty out of their own pockets upon the exportation of a certain quantity of the goods in which they dealt; and he further adds, that the expedient had the desired effect of doubling the price of the article in the home market, notwithstanding a considerable increase in the quantity produced.

A bounty on production would not then answer the purpose of a bounty on exportation, but there are some cases in which bounties are expedient for other reasons than that of enabling us to export an article at a low price.

Bounties on the fisheries are given to encourage them, in order to increase the number of seamen, or to employ them in time of peace, that they may be ready for the defence of the country in time of war. In this view Mr. Smith seems to approve of encouraging the herring fishery; but he appears to be less stress on another public advantage arising from increasing the quantity of animal food for the inhabitants of the kingdom, as well as of the number of sailors that defend it. As this is a general advantage, it is therefore a proper reason for giving a bounty, provided the fisheries cannot be carried on without it.

The raising of flax and such articles as cannot always be obtained from abroad in time of war, is also a public advantage, and therefore bounties upon the production of such commodities are judiciously allowed by the government.

Bounties then must be considered as good or bad according to the degree of wisdom with which they are applied; not that it is ever to be supposed that a bounty will in any case be offered where the object is not a desirable one, but they may be given imprudently where they are not necessary, or when they counteract the intention by raising too high the price of the article at home.

Bounties sometimes go by the name of *premiums*, and at others are called *drawbacks*. When a bounty is given on an article which has paid a duty, then a reimbursement of that duty, or of a part of it upon exportation, is termed a *drawback*, in which case it is not liable to the same objections that sometimes occur with respect to the other bounties, as it is no more than abandoning an attempt to lay a tax upon foreign-



ers in their own country, which would be the case if an article that had paid duty could be sold to strangers without a drawback.

The duties upon brown and muscovado sugar, upon raw and brown silk, brimstone, and salt-petre, are counteracted by bounties on the exportation of refined sugars, wrought silk, and gunpowder, manufactured from those materials. These bounties are in fact no more than drawbacks to counteract the duties on the raw materials of which they are made; but when any material or article is exported in *the same form* in which it was when the duty was laid on, it is then termed a drawback, as for example, that upon printed linens.

Premiums given in any of the arts, to those who excel in them, are never liable to any of the objections that may be made to bounties. They encourage emulation and dexterity, and never amount to any very considerable sums, nor can they draw the industry of the nation into a wrong channel, or a losing trade; as a bounty, according to the general signification of the word bounties, is sometimes liable to do.

Premiums, drawbacks, and bounties are all in some respects of the same nature, but differ likewise in various particulars, and therefore it is necessary in every case to attend to the nature of the thing, rather than to the term by which it is expressed.

**BOURBON**, an island on the coast of Africa, in the Indian sea (now called the Isle of France). Here the French have some towns, and stop for refreshment on their passage to and from India.

**BOURDEAUX**, a city in France, in the department of Gironde, which has a considerable trade, particularly in wine and brandy.

**BRABANT**. See *Netherlands*.

**BRADFORD**, a town in the West Riding of Yorkshire. It has a trade in shalloons, everlasting, &c. which are made in the neighbourhood.

**BRAMPOUR**, or **BRAMPUR**, a city in Asia, in the dominions of the Great Mogul, and capital of Candish.

A great trade is carried on in this province, where there are manufactured a quantity of cotton cloths.

**BRANDENBURCH**, a town in Germany, the capital of the country of the same name. Numbers of French refugees settled here, and by introducing their manufactures, rendered it a prosperous place.

**BRASIL**, a country of South America, which gives the title of prince to the heir apparent of the crown of Portugal. The soil is fertile, and produces immense quantities of the best sugar. It produces tobacco, Indian corn, several sorts of fruit, and medicinal drugs. The wood brought from Brasil, and hence so called, is of great use in dying red, and within the country are found gold and several sorts of precious stones. The mines of gold and diamonds, first opened in 1681, yield above five millions sterling annually, of which a fifth belongs to the crown. The diamond mines are farmed at about 30,000l. yearly, which is thought to be scarcely a fifth of what they actually produce. Great Britain sends woollen manufactures, such as fine broad medley cloths, fine Spanish cloth, scarlet and black cloths, serges, du-roys, druggets, *sarabees*, shalloons, camblets, and Norwich stuffs, black Colchester hays, says and perpetuinas called longells, hats, stockings, and gloves. Holland, Germany and France, chiefly export fine Hollands, bone lace, and fine thread and silk manufactures; pepper, lead, block-tin, and other articles are also sent from different countries. Besides the particulars already specified, England likewise trades with Portugal, for the use of the Brasils, in copper and brass, wrought and unwrought pewter, and all kinds of hardware, all which articles have so enlarged the Portuguese trade, that instead of 12 ships usually employed in commerce, there are now never fewer than 100 sail of large vessels constantly going and returning from those colonies. To all this may be added the vast slave trade carried on with the coast of Africa for the use of the Brasil colonies.

**BREAKING BULK**, a maritime, commercial term, signifying a beginning to unload a vessel's cargo. See *Customs*.

**BREMEN**, a large, populous, and very strong town of Germany, capital of a dutchy of the same name, drives a very large trade for iron, flax, hemp, and linens with France, England, Spain, and Portugal, and in return takes back other provisions, with which it supplies Westphalia and the countries about Hanover. It also derives great benefit from its fisheries: the trade for blubber with the south of Germany is very considerable.

**BRESLAW**,

**BRESLAW**, the capital of the duchy of that name and of all Silesia, a populous town much frequented by Hungarian, Bohemian, Polish, and other merchants, having several yearly fairs, and very considerable trade and manufactures, the principal of which last are cloth, woollen and wool and silk mixed, paper hats, fineries, iron and steel.

Breslaw is the central point of the commerce of Silesia. By the river Oder and the canal that joins the Elbe it has a communication with Hamburg. It is the principal mart for the cloths of Silesia, and carries on a very considerable trade with most of the nations in Europe, as well as with Leipsic and other towns to the north of Germany.

**BRICKS and TILES.** See *Excise*.

**BRIG**, or **BRIGANTINE**, a merchant ship with two masts. The rigging of English vessels of this denomination, and the position of the sails, is different from that of larger vessels, that it may manœuvre with the greater ease. Different nations have other methods of constructing them, and sometimes in the same form with large ships.

**BRISTOL**, a city of the west of England, situated on the river Severn, and in point of trade and commercial importance the third in the kingdom. The mayor, burgesses and commonalty are conservators of the Avon and the Severn for a certain distance, and the mayor and justices of the city have power to make rules and orders for preserving the river, regulating pilots, merchant ships, &c. also for the government of the markets. By statute 3 G. II. c. 31, no person shall act as a broker in the city of Bristol till admitted by the mayor and aldermen, on pain of 50*l.* and those who employ them to forfeit 50*l.* By statutes 11 and 52 W. III. 22 G. II. c. 20. 28 G. II. c. 32. and 29 G. II. c. 47, a variety of regulations are made for cleaning and lighting the streets, and in relation to hackney-coachmen, halliers, draymen, carters, the markets, sellers of hay and straw; and the mayor, to enable him to support his dignity, is entitled to certain small fees from shipping.

The trade of this city was formerly much greater than it is at present. Its chief trade was to Africa, America, and the West Indies, as well as Ireland; at present Liverpool has become decidedly the second trading town in the kingdom, having attained the

greatest share, particularly of the slave and other African trades. Still, however, Bristol enjoys very great and extensive commerce both to the places already mentioned, and to the Baltic, Norway, Holland, Hamburg, and the Straits. The largest ships are discharged at Hungrood, four miles below the city, and the goods are brought to the quay by lighters. For building, equipping, and repairing ships, there are docks, rope-walks, and ship-wrights. Here are also some considerable woollen manufactures, and no less than fifteen bottle and glass-houses, besides a large manufacture of pins at a place called Warnley in the neighbourhood. Exclusive of the ships employed in foreign trade, and those which arrive from different parts of the world to procure freight, there are upwards of 300 sail employed in foreign trade belonging to this port, besides coasting vessels, large thoroughs, market sloops, and other craft, which are numerous.

The customs of Bristol amount annually to upwards of 300,000*l.* and the excise to more than 100,000*l.* The revenue of the post office is about 15,000*l.* that of the land tax about 8,000*l.* and the poor's rates amount to upwards of 12,000*l.* The population of Bristol is estimated at 100,000.

**BRITAIN.** When Queen Elizabeth entered on the government, the customs produced only 36,000*l.* annually; at the Restoration they were let to farm for 400,000*l.* and produced considerably above double that sum before the Revolution. The inhabitants of London, before we had any plantations, and when our trade was inconsiderable, were computed at about 100,000; and at the death of Queen Elizabeth they were increased to 150,000, and are now above six times that number. In those days we had not only naval stores but ships from our neighbours. Germany furnished us with all articles made of metal, even to nails; and France supplied us with wine, paper, linnen, and a variety of other articles; Portugal furnished us with sugars; and all the produce of America was poured on us from that country and Spain; whilst the Venetians and Genoese retailed to us the commodities of the East Indies at their own price. The legal interest of money, at the period we are now describing, was twelve per cent. and the land sold at ten or twelve years purchase. Our manufactures

manufactures were few, and those but indifferent; the number of English merchants very inconsiderable; and our shipping much inferior to what lately belonged to the American colonies.

Britain is, of all other countries, the most proper for trade; as well from its situation as an island, as from the freedom and excellence of its constitution, its natural products, and considerable manufactures. For exportation our country produces many of the most substantial and necessary commodities, as butter, cheese, corn, cattle, wool, iron, lead, tin, copper, leather, coppers, pit-coal, alum, saffron, &c. Our horses are the most serviceable in the world, and highly valued by all nations for their hardiness, beauty, and strength. With beef, mutton, pork, poultry, biscuit, we victual not only our own fleet, but many foreign vessels arriving in this country. Our iron we export manufactured in great guns, carcasses, bombs, &c. Prodigious and almost incredible is the value likewise of other goods from hence exported, viz. hops, flax, hemp, hats, shoes, household stuff, ale, beer, red herrings, pilchards, salmon, oysters, liquor, watches, ribbands, toys, &c.

There is scarcely a manufacture in Europe but what is brought to great perfection in England, and therefore it is perfectly unnecessary to enumerate them all. The woollen manufacture is the most considerable, and exceeds in goodness and quantity that of any other nation. Hardware is another principal article; locks, edge tools, guns, swords, and other arms, exceed any thing of the kind made elsewhere; household utensils of brass, iron, and pewter, are also important articles; and our clocks and watches are in great esteem. There are few manufactures in which we are defective.

The English trade with the West India islands consists in sugar, rum, cotton, logwood, cocoa, coffee, pimento, ginger, indigo, materials for dyers, mahogany and machineel planks, drugs, and preserves. The exports thither from England are osnaburghs for negroes clothing, linen of all sorts, broad cloth, kerseys, silks, stuffs, hats, stockings, shoes, gloves, millinery and haberdashery wares, laces, beer, candles, butter, cheese, iron ware of all kinds, lead, powder and shot, brass and copper wares, toys, coals, cabinet wares, snuffs, and, in general, almost every

article that is raised or manufactured in Great Britain: and also negroes from Africa, and all sorts of Indian goods.

The trade of England to the East Indies constitutes one of the most stupendously political as well as commercial machines that is to be met with in history.

The company exports to the East Indies all kinds of woollen manufacture, all sorts of hardware, lead, bullion, and quicksilver. Their imports consist of gold, diamonds, raw silks, drugs, tea, pepper, arrack, porcelain, or china ware, salt-petre for home consumption, and wrought silks, muslins, calicoes, cottons, and all the woven manufactures of India, for exportation to foreign countries. See *East India Company*.

To Turkey England sends, in her own bottoms, woollen cloths, tin, lead, and iron; hardware, iron utensils, clocks, watches, verdigris, spices, cochineal, and logwood: she imports from thence raw silks, carpets, skins, dying drugs, cotton, fruits, medicinal drugs, coffee, and some other articles. Formerly the balance of this trade was about 500,000l. annually in favour of England. The English trade was afterwards diminished through the practices of the French; but the Turkey trade at present is at very low ebb with the French as well as the English.

England exports to Italy woollen goods of various kinds, peltry, leather, lead, tin, fish, and East India goods; and brings back raw and thrown silk, wines, oil, soap, olives, oranges, lemons, pomegranates, dried fruit, colours, anchovies, and other articles of luxury.

To Spain England sends all kinds of woollen goods, linen, leather, tin, lead, fish, corn, iron, and brass manufactures, and haberdashery wares; and receives in return wines, oils, dried fruits, oranges, lemons, olives, wool, indigo, cochineal, and other dying drugs, colours, also gold and silver.

Portugal has been long the favourite ally of England, whose fleets and armies have more than once saved her from destruction. England sends to this country almost the same kind of merchandises as to Spain; and receives in return a vast quantity of wines, oils, salt, dried and moist fruits, dying drugs, and gold.

England

England sends to the Netherlands serges, flatnels, tin, lead, sugars, and tobacco; and receives in return laces, linen, cambrics, and other articles.

To Germany, England sends cloths and stuffs, tin, pewter, sugars, tobacco, and East India merchandise; and brings thence vast quantities of linen, thread, goat skins, and many other commodities.

To the Batavian Republic, England sends an immense quantity of various sorts of merchandise, such as all kinds of woollen goods, hides, corn, coals, East India and Turkey commodities, tobacco, tar, sugar, rice, ginger, and other American productions; and makes return in fine linen, lace, cambricks, thread, tapes, trencle, madder, boards, drugs, whalebone, train oil, toys, and many other things; and the balance is usually supposed to be much in favour of England.

The trade between England and France was heretofore considerable; and the commercial treaty, concluded in 1787, promised most important commercial advantages to both countries. The late revolution in France, however, and the war between the two nations, entirely put a stop to every communication; nor since the peace has any thing taken place to enable a judgment to be formed of what may be the commercial relations between us and our rivals. A new commercial treaty has been under discussion for a considerable time; and will, we trust, soon be brought to a happy conclusion.

During the infancy of commerce with foreign parts, it was thought expedient to grant exclusive charters to particular bodies or corporations of men: hence the East India, South Sea, Hudson's Bay, Turkey, Russia, and African Companies; but the trade to Turkey, Russia, and Africa is now laid open, though the merchant who proposes to trade to either must become a member of its company, be subject to their laws and regulations, and advance a small sum of admission, for the purpose of supporting consuls, forts, &c. (See the different companies.)

With regard to the general account of England's foreign balance, the exports preceding 1802, according to the accounts of the inspector general of imports and exports, were 31 million, the imports 23 million; the imports from China and the East In-

dies six million; so that, according to this calculation, England gains annually eight million sterling, exclusive of the profits of the East India trade.

Cornwall and Devonshire supply tin and lead, and woollen manufactures are common to almost all the western counties. Dorsetshire makes cordage for the navy, feeds an incredible number of sheep, and has large lace manufactures. Somersetshire, besides furnishing lead, copper, and *lapis calaminaris*, has large manufactories of bone lace, stockings, and caps. Bristol has many important manufactures in glass; its brass wire manufactures are also very considerable. Vast manufactures of all kinds of glass, jewellery, clocks, watches, and cutlery in particular, are carried on in London and its neighbourhood; the gold and silver manufactures of London equal, if not excel, those of any country in Europe. Colchester is famous for its manufactures of bays and serges; Exeter for serges and long ells; and Norwich for its excellent stuffs, cambricks, druggets, and stockings. Birmingham, though no corporation, is one of the largest and most populous towns in England, and carries on an amazing trade in excellent and ingenious hardware manufactures. It is here and in Sheffield, which is famous for cutlery, that the true genius of English art and industry is to be seen; for such are their excellent inventions for fabricating hardwares, that they can afford them for a fourth part of the price at which other nations can furnish the same of an inferior kind: the cheapness of coals and all necessities, and the convenience of situation, no doubt, contributes greatly to this.

The towns of the northern counties, viz. Halifax, Leeds, Wakefield, Richmond, and Manchester, carry on an immense trade in woollen cloths, and cotton and other stuffs. Beautiful porcelain and earthen ware, of late years, have been manufactured in different parts of England, particularly in Worcestershire and Staffordshire. The English carpets, especially those of Axminster, Wilton, and Kidderminster, though but a late manufacture, greatly excel in beauty any imported from Turkey, and are extremely cheap, and consequently are a vast saving to the



the nation. Paper, which till lately was imported in vast quantities from France and Holland, is now made in every corner of the kingdom.

**BROKERS** are persons appointed to transact business between merchant and merchant, or merchants and tradesmen, in matters of money or merchandise, for which they receive a stipulated commission.

By stat. 6 Anne, c. 16. s. 4, all persons who shall act as brokers within the city of London and liberties thereof, shall from time to time be admitted so to do, by the court of mayor and aldermen, under such restrictions and limitations for their honour and good behaviour as the court shall think fit; and shall, upon such their admission, pay to the chamberlain 40s. and shall also yearly pay 40s. upon the 29th day of September, for the use of the mayor and commonalty and citizens of London.

Any person who shall take upon himself to act as a broker, or employ any other under him to act as such within the said cities and liberty, not being admitted as aforesaid, every such person shall forfeit to the mayor and commonalty, &c. for every such offence, 25l. to be recovered by action of debt, in the name of the chamberlain of the said city, in any of his majesty's courts of record at Westminster. S. 5.

The following are the regulations established by the court of mayor and aldermen pursuant to the preceding act.

That every person shall upon his admission solemnly be sworn truly and faithfully to execute and perform the office of broker, between party and party, in all things appertaining to the duty of the said office, without fraud or collusion, to the best and utmost of his skill and knowledge.

That they enter into bonds under penalty of 500l. the condition of which bond recites the duties sworn to in the oath of admission, which if well and truly performed is void, otherwise to remain in full force.

A medal is delivered to him with his name, which he is required to produce as evidence of his qualification.

Twelve persons professing the Jewish religion are permitted to act as brokers within the said city, un-

der the same regulations, and receive the silver medal accordingly. These gentlemen pay annually the sum of 40s. to the mayor and commonalty, &c. for their enjoyment of this privilege.

The medal is transferable, and generally sold from 800l. to 1500l. exclusive of the expence of the transfer, which is uncertain. Upon the decease of either of the holders of the same, without its being first transferred, the appointment falls to the lord mayor for the time being, for which the sum of 1500l. has not unfrequently been given.

A person who, for brokerage and hire, negotiates and concludes bargains for stock, is a broker in point of law. *Jensen, Bart. chamberlain of London, v. Green, 4 Burr. 210.*

Where goods were sold by a broker, and he agreed for the sale of them at a certain price with a defendant, and gave him a sale note for the price, it was ruled that he was to be considered as the agent of both parties, and the sale note a note in writing within the statute of frauds, and the defendant bound by it. *Ruche v. Chamber, Esp. N.P.C. 105. See Auction, Contract, Factor, Lien, Sale.*

**BROKER, EXCHANGE.** Exchange brokers are those whose business it is to transact details attending the negotiating of bills of exchange; they procure money for bills on foreign merchants, which is termed drawing, and procure bills for those who have payments to make to their foreign correspondents, which is termed remitting; all this is transacted on 'Change every Tuesday and Friday. The rate of the different exchanges on every country in Europe is then and there fixed on those days, by the principal brokers, and which rate so agreed on, is for the time being the standard for every negotiation.

A broker, by knowing the mutual wants of merchants, is an useful intermediate agent in this case. When an intelligent man, he knows the general situation of the balance between the two countries, and as his interest is that all transactions that go through his hands should be on a fair principle, the rate of exchange is generally fixed with more accuracy than it could be, if the merchants were to transact the business directly with one another; for being interested in concealing their transactions from each other, they could never so well

understand the situation of the market. See *Exchange*.

**BROKERS, INSURANCE**; their business is to insure ships and merchandise from the perils of the sea, and to settle the losses, and average, that may occur. See *Insurance*.

**BROKERS, SHIP**, are employed in buying and selling ships and cargoes, either by private contract or public sale; likewise to procure freight for ships and receive the same.

**BROKERS, STOCK**, are employed to purchase or sell stock, or government securities. See *Public Funds*.

**BROKER, GENERAL**, is one not limited to any particular branch of trade or merchandize, but who acts in every instance where his services may be required.

**BROKERAGE** or **BROKAGE**; the commission paid to a broker for his trouble in negotiating business between person and person, the usual rate of which is as follows:

On goods bought or sold by private contract, one half per cent; goods sold at public sale, one per cent; goods bought at public sale, an half per cent. For the purchase or sale of stock, or government securities, an eighth per cent.

**BRUGES** in Flanders, formerly one of the first trading towns in Europe, but the civil wars in the sixteenth century drove the trade first to Antwerp and thence to Amsterdam. Its situation, however, still commands some trade, there being canals thence to Ghent, Ostend, Sluys, Nieuport, Furnes, Ypres, and Dunkirk.

**BRUNSWICK**, a city of Germany in the Circle of Lower Saxony, and capital of the dutchy of the same name. The inhabitants carry on a considerable trade with Bohemia; their chief manufactures are leather, and a sort of malt liquor called Mum. In the dutchy there are also profitable mines of copper, lead, and vitriol.

**BRUSSELS**, the capital of Brabant in the Austrian Netherlands, situated on the small river Senne. It is much fallen from its former splendour; but still carries on some trade in camblets, lace, and tapestry, which is made in great perfection. It has communication with the Scheldt by a canal. The Brussels laces are esteemed for fineness and pattern in every country; nay, are imitated by a wove lace in Eng-

land, which passes with those who are not good judges of the article, as of real Brussels manufacture. The English are accused also of buying Brussels lace and selling it in foreign parts as of English manufacture. The workers of Brussels lace will execute any design that is given them.

The Brussels camblets are of a very superior quality, and their silk stockings are much more durable, and nearly equal in appearance to those manufactured at Paris.

**BUCANEERS**, those whose employment in the West Indies and America is to dry and smoke flesh or fish in the Indian manner. The name was first given to the French settlers in St. Domingo, whose chief employment consisted in hunting bulls and wild boars, in order to sell their hides and flesh. The same name has been given to those marauding European adventurers who united in bands to commit depredations on the Spanish part of America.

**BUENOS AYRES**, the capital of the province of Rio de la Plata, in South America, and situated on the borders of the river of that name. The chief riches of the place consist in an immense number of horses, mules, and oxen, with which they furnish the inhabitants of Peru. They send great quantities of leather and skins to Europe. Great quantities of English goods, though prohibited by the court of Spain, are introduced there clandestinely. It was at Buenos Ayres that the French Assiento company had its chief establishment, and landed the negroes intended for the Spanish settlements. This place carries on also a commerce in gold and silver; but small vessels only can go near the city; those that are large must anchor and unload at about the distance of a mile below, at the mouth of the small river Rio Chucula.

**BUILT** signifies that construction of vessels which entitles them to registry, and certain privileges, pursuant to the laws of the country. Thus all ships to be entitled to registry must be British built, except in some particular cases relative to the fisheries. The mode of building a ship or boat will, in some instances, subject her to forfeiture. See *Customs, Shipping, Register*.

**BULAM COMPANY**. Towards the latter end of the year 1791, several gentlemen formed themselves into a society,

a society, for the purpose of endeavouring to establish a settlement or colony on some eligible spot on the coast of Africa, or adjoining islands; and, being tempted by the flattering information they had received of the island of Bulam, they resolved to open a subscription for raising a sum of money to enable them to proceed in the undertaking: and that every subscriber who was willing to become a settler in the intended colony, should receive, immediately on possession being taken of the said island, or any other spot on the coast of Africa whereon a settlement might be made, a grant of five hundred acres of land for the sum of 30l.; and in that proportion for any greater or lesser number of acres, to the extent of two thousand: that each person who subscribed as an absentee purchaser of land, should be entitled to a grant of 500 acres for the sum of 60l. and in that proportion for any other number of acres. In the space of a month after the opening of the subscription nearly 9,000l. was paid into the hands of Paul Le Mesurier, Esq. James Kirkpatrick, Esq. George Hartwell, Esq. and Moses Ximenes, Esq. as trustees, for the expedition; and which enabled them to purchase a considerable investment of merchandize, for the purpose of bartering for the island, for the convenience of traffic, and for the hire of labour to be applied to erecting accommodations for the settlers, and cultivating the expected territory. The trustees soon after engaged a number of yeomen and labourers to go from England, and chartered two vessels of about 300 tons each, and also purchased a sloop of 40 tons for their accommodation. They supplied the vessel most amply with stores and provisions, and likewise plantation tools for the use of the settlers on their arrival in Africa, who were in number about 800; and also furnished them with the necessary arms and ammunition.

On the arrival of part of the settlers at Bulam, they landed without making any agreement with the proprietors of the island for the purchase of the same. The consequence was, that, after they had begun to clear the ground, and erect huts and tents, the Indians surprised them, killed several, and took others prisoners; under these circumstances it was thought prudent, by the settlers who had arrived in the first ship, to abandon the intended settlement. The se-

cond division of settlers having arrived, they held a solemn *palaver* with the kings of Canabae and Bessago, and made with them a regular purchase of the island. After they had built a block-house, and kept possession some time, the war having commenced, and no new settlers arriving, it was found necessary to evacuate the place.

This island forms one of the most beautiful prospects in nature. It is situated at the mouth of Rio Grande, in lat. 10 deg. 30 min. and contains near 400 square miles. The climate, though hot, is fine and healthy, being refreshed with cooling gales that blow morning and evening from the sea and land. The country is somewhat flat, except in the middle, which is mountainous, clear of wood in many places, and covered with tall grass, the soil rich and fertile. It has several rivulets of wholesome water, and good lofty timber, of various qualities, fit and convenient for every purpose. The sea abounds with the most delicious fish of every kind, and the island with buffaloes, deer, antelopes, wild hogs, and guinea fowls, doves, pigeons, and several sorts of small birds. In it are also many elephants, monkeys, and parrots; of fruits, wild plumbs, grapes, and the sour sap; of vegetables, wild celery, watercresses, and cassada.

**BULLION** denotes gold and silver in the mass before it is coined or worked into any useful or ornamental form: those metals are so called either when smelted from the native ore, and not perfectly refined, or where they are perfectly refined, but melted down in bars or ingots, or any unwrought body of any degree of fineness.

All sorts of wrought plate in general ought to be made to the legal standard, and the price of our standard gold and silver is the common rule whereby to set a value on bullion, whether the same be ingots, bars, or foreign specie.

Bullion entered at the custom-house may be exported without paying any custom, 15 G. II. c. 7. s. 12; but no person is permitted to export bullion unless it be stamped at Goldsmiths' Hall, 6 and 7 W. III. c. 17. s. 5, 6, 7 and 8, and 8 W. III. c. 19. s. 6; and goldsmiths only are to buy and sell bullion. And by 6 and 7 W. III. c. 17. s. 8, wardens of the Goldsmiths' Company may search houses for bullion, and the person in whose possession bullion is found,

not proving it to be either coin or clippings melted, to be imprisoned six months.

For the more effectual prohibiting the melting down the coin of this kingdom, and silver plate wrought within this realm, and the exportation of the molten silver and bullion of this kingdom, it is enacted, by 7 and 8 W. III. c. 19. s. 6, that no person whatsoever shall ship, or cause to be shipped and put on board any vessel whatsoever, any molten silver or bullion whatsoever, either in bars, ingots, wedges, cakes, pinas, or in any other form whatsoever, unless a certificate be first had and obtained from the court of the lord mayor and aldermen of London, oath having been made before the said court by the owner of such molten silver or bullion, and likewise by two or more credible witnesses, that the same molten silver or bullion, and every part thereof, was and is foreign bullion, and that no part thereof was (before the same was molten) the coin of this kingdom, or clippings thereof, nor plate wrought within this kingdom; which oath the said court of the lord mayor and aldermen of the city of London are hereby required and authorized to administer, and to examine strictly all and every such person as shall make such oath concerning the premises, and likewise to make and grant a certificate thereof as aforesaid, without fee or reward, which certificate shall also contain and express the name or names of the owner or owners of such molten silver or bullion, and of the witness or witnesses, and the true weight of such molten silver or bullion, an entry of which shall be duly made by the said court, in a book to be kept for that purpose; which certificate shall be shewn to the commissioners of the customs for the time being, or four of them, before any certificate be granted for the exporting such molten silver or bullion, and an entry thereof shall be absolutely made by the said commissioners of the customs, in a book to be by them kept for that purpose.

Persons shipping any molten silver or bullion whatsoever as aforesaid, without oath or certificate, and entry first made and obtained as before provided, the officers of the customs, or any person or persons to seize such molten silver and bullion so shipped as forfeited, one moiety whereof shall go to the king, and the other to the informer, and the owner or pro-

prietor of such bullion shall forfeit double the value of such molten silver or bullion, to be applied as aforesaid; and the captain or master of such ship or vessel, who shall knowingly permit the said molten silver or bullion to be put on board his said ship or vessel, shall forfeit to such person who shall sue for the same, the sum of 200*l.*; and in case the ship or vessel be a man of war belonging to his majesty, the captain thereof shall forfeit 200*l.*

Bullion may be insured generally as merchandize, but it is not understood that the insurer is liable for a clandestine exportation.

Bullion has on many occasions been used as a substitute in payments for the current coin, which indeed is no more than a certain portion of bullion struck with a mark, indicating its weight and fineness. Bullion was the original circulating medium of most countries, and was paid away by weight. Coin is only an improvement to save the trouble of weighing, and make the value more easily and accurately distinguishable.

To understand well the reasons for which the laws respecting bullion are made, which otherwise seem severe and unjust, it is to be considered, that the principal current coin of this and other kingdoms is composed of gold and silver, with a certain alloy, the weight of which is regulated by the price of bullion at the time the standard is fixed; but, as bullion rises and falls in value, it sometimes is attended with advantage to melt down the current coin; this is a robbery on the state, and considered as a capital crime. Bullion is, therefore, narrowly looked after, as being the form under which the coin of the realm is likely to be found, when the price of the material happens to rise above its original standard.

BUM BOAT, a small boat plying in harbours or navigable rivers, and supplying the seamen on board ships of war and merchantmen with refreshments, &c. No person is permitted to ply in the port of London without being registered and receiving a licence for that purpose. At present there are but 155 licensed bum boats. By stat. 2 Geo. III. c. 28, entitled *An act to prevent the committing of thefts and frauds by persons navigating bum boats and other boats upon the river Thames*, which, after reciting that many ill disposed



disposed persons using and navigating upon the river Thames certain boats commonly called bum boats, and other vessels, under pretence of selling liquors of different sorts, and also slops, tobacco, brooms, fruit, greens, ginger-bread, and other such like wares and things, to and amongst the seamen and labourers employed in and about ships, vessels, and other craft there, do frequently take occasion to cut, damage, and spoil the cordage, cables, buoys, and buoy-ropes, and the head-fasts, and other fasts, belonging to such ships, vessels, and craft, and fraudulently carry away the same; likewise encourage such seamen and labourers to dispose of such cordage, cables, and buoys, and such goods, merchandizes, materials, and stores, secretly and unlawfully, whereby great losses are sustained by merchants and owners of such ships, vessels, and other craft, in the said river; it is enacted, that persons who shall use, let out to hire, lend, or navigate, or be aiding and assisting in using or navigating upon the said river, any bum boat, or other boat, for the purpose of selling, bartering, exchanging, or exposing to sale, amongst seamen and labourers employed in and about ships, and any other craft, any liquors, slops, tobacco, brooms, or any fruit, greens, ginger-bread, or other such like ware; or shall sell, barter, exchange, or expose to sale, any sort of liquor, or slops, tobacco, brooms, or any fruit, greens, ginger-bread, or other such like ware or things, from any bum boat, except such as are entered at the office; and persons unlawfully receiving, or procuring to be delivered to them, any goods of vessels in the river, being convicted thereof before a justice, are to be deemed guilty of a misdemeanor, and the boat, with those on board, may be seized and searched, and the persons conveyed before a justice, and the boat, &c. upon conviction, is to be forfeited.

Bum boats so used upon the river, to be entered at the office at the Trinity House, &c.; and persons unlawfully receiving any goods of vessels in the river, being convicted before a justice, are to be deemed guilty of a misdemeanor, and the boat, with those on board, may be seized and searched, and the persons conveyed before a justice, and the boat, &c. upon such conviction, shall be forfeited.

Every bum boat used upon the river between London bridge and the Lower Hope Point, shall be en-

tered by the owner, with the master, wardens, and assistants, at their office at the Trinity House, in Waterlane, London, specifying the name and place of abode of such owners, to the intent that the said master, wardens, and assistants may register every such entry, and deliver in writing to such owner or owners a number, to be marked on one or more parts of every such bum boat, or other boat; and every such owner shall cause the number so delivered to be forthwith marked, together with the Christian and surname, and place of abode, upon such part of the boat so entered as aforesaid. S. 2.

As often as the property of any such-bum boat is altered, the new owner shall forthwith make a fresh entry of the same, and cause the number delivered in pursuance thereof to be marked on the said boat, together with the Christian and surname, and place of abode, in like manner as before directed at the first entering of any such boat. S. 3.

The Trinity House to register such entries, and deliver out numbers, and for the registering such entry, and delivering out such number, to be paid the sum of five shillings.

The master, wardens, &c. of the said company, and all persons whom they shall depute, and the owners or masters of vessels on the river, or persons authorized by seven of them, may search boats suspected to have ropes and stores, &c. stolen from vessels in the river, and carry the persons suspected before a justice; and such persons not giving a satisfactory account of themselves, shall be adjudged guilty of a misdemeanor, and the boat and loading, &c. shall be forfeited. S. 5.

Constables, beadles, and watchmen on duty may seize all stores or goods suspected to be stolen from vessels in the river, and carry the persons concerned before a justice, and they not giving an account how they came by the same, are adjudged guilty of a misdemeanor. S. 6.

Justices, on oath of a suspicion of the concealment of stolen goods, may grant a search-warrant, and the goods found are to be secured, and the persons of the house, &c. are to be brought before a justice, and not giving an account how they came by the same, are adjudged guilty of a misdemeanor. S. 7.

Persons to whom any stores or ship-goods, &c. are offered

offered to be sold, &c. may stop them, and carry the parties before a justice. S. 9.

Persons guilty of the said misdemeanors to forfeit for the first offence 40s. and for every subsequent offence 4l. to be levied by distress, one moiety to the informer, and the other to the Trinity House for the use of their poor. S. 10.

Persons convicted of knowingly receiving stolen goods from vessels in the river, or of receiving at any time any such goods clandestinely, to be transported for 14 years. S. 12.

Persons convicted of cutting or spoiling any cordage, buoys, &c. of any vessels at anchor in the river, with intent to steal the same, to be transported for 14 years. S. 13.

By the 14th section, any person out of prison who shall convict two others of the like offence shall be pardoned. S. 16.

Persons navigating any boat within the aforesaid limits, not entered, marked, and numbered as aforesaid, or having a false mark or number, or not having the real name or place of abode of the owner of such boat inscribed thereon, or not having such names and figures kept fair and legible, shall forfeit in each of the abovementioned cases 40s. one moiety to the informer, and the other to the poor of the Trinity House; and upon discovery of such offence, the boat and tackle, &c. may be seized; and within 48 hours information is to be given to a justice, and if the forfeiture be not paid in 24 hours, it shall be raised by sale of the boat. S. 15.

Upon complaint to the Trinity House of any theft, &c. carried on in any boat, they may summon the owner, and enquire into such complaint in a summary way, and on conviction, may take away his number, and refuse to enter any boat of his for the future. S. 16.

Where a boat is forfeited, and concerning which no provision is made by this act, the justice may order it to be burnt within six days. S. 17.

Any persons may apprehend an offender against this act, and deliver him to a constable to be carried before a justice; and persons obstructing the execution of this act shall be transported for seven years. S. 19.

BUOY, a sort of cask or block of wood fastened by a

rope over an anchor to shew where it is, that no other vessel may entangle itself with the stock or flukes; also over dangerous banks or shallows. These latter are large and conical, that they may be seen at a distance, and are permanently and firmly fixed.

BURGUNDY, a province of France, famous for the excellent wines which bear its name. In the new division it is called the department of the Cote-D'or.

Burgundy wine does not bear the sea voyage unless well corked, with a piece of bladder or parchment tied over the cork. The wines rank for excellence in the following order—1st, Vollenay; 2d, Le Pomar; 3d, Le Beaune; 4th, Savigny; 5th, D'Aloxe; 6th, De Chassagne; 7th, De Nuits; 8th De Clos de Vaugeois; 9th, De Chambertin. The wines of Chalons and Macon are the most inferior, and are seldom sent to a distance.

BURMAH, an extensive kingdom of Asia to the east of the Ganges, often called, but improperly, Ava, from the name of the capital. This country produces the best teak timber in India. The forests which produce this wood are between the west bank of Ava and the country of Aracan.

BURNING, *Destroying, or Molesting Ships.* By the 12th Anne, st. 2. c. 18. s. 6, if any person or persons shall make, or be assisting in the making any hole in the bottom, side, or any other part of any ship or vessel in distress, or shall wilfully do any thing tending to the immediate loss or destruction of such ship or vessel, he shall be deemed guilty of felony without benefit of clergy.

This act, by the 4th G. I. c. 12, is made perpetual, and further enacts, that if any owner of, or captain, master, or mariner, or other officer belonging to any ship shall wilfully cast away, burn, or otherwise destroy the ship of which he is owner, or unto which he belongs, or in any manner or wise direct or procure the same to be done, to the prejudice of any person or persons that shall underwrite any policy or policies of insurance thereon, or any merchant or merchants that shall load goods therein, he shall suffer death.

By stat. 11 G. I. c. 29, s. 6, reciting, that some doubts had arisen touching the nature of the offence provided against by the preceding act, and the trial and punishment to be had and inflicted for the same, it is enacted as follows:

“If any person shall wilfully cast away, burn, or otherwise

otherwise destroy the ship or vessel of which he is owner, or to which he belongeth, or in any wise direct or procure the same to be done, with intent to defraud or design to prejudice any person or persons that hath or shall underwrite any policy or policies of insurance thereon, or of any merchant or merchants that shall load goods thereon, or of any owner or owners of such ship or vessel, the person or persons offending therein, being thereof lawfully convicted, shall be deemed and adjudged a felon or felons, and shall suffer as in cases of felony without benefit of clergy."

Any of the above offences of wilfully casting away, burning or destroying any ships or vessels, if committed within the body of any county, to be tried in the same manner, and adjudged in the same courts as those felonies committed within the body of any county are adjudged and determined; and if any of the said offences are committed upon the high seas, they shall be tried, determined, and adjudged, as directed and appointed for trying felonies committed upon the high seas, by the statute of 28 Hen. VIII. c. 15, relative to pirates S. 7.

Upon the preceding act a captain Codling of the brig Adventure was recently found guilty, and executed.

By 33 G. III. c. 67, seamen, keelmen, casters, ship carpenters, or other persons riotously assembled, to the number of three or more, who shall unlawfully, and with force, prevent, hinder, or obstruct the loading or unloading, or the sailing and navigating any ship, keel, or other vessel, with intent to prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating such ship, keel, or other vessel, such persons being lawfully convicted of any of these offences, shall be committed to the common gaol or house of correction, and be kept to hard labour for any term not more than twelve months, nor less than six.

Persons unlawfully, and with force, preventing, hindering, or obstructing any seaman, keelman, caster, or ship carpenter, from working at his lawful trade, business, or occupation, or who shall wilfully and maliciously assault, beat, or wound, or use or commit any bodily violence or hurt to or upon any seaman, &c. with intent to deter, prevent, hinder, or obstruct such seaman, &c. from working at his lawful

trade, business, or occupation respectively, to be committed to prison, and kept to hard labour for twelve calendar months, and not less than six. S. 2.

Persons offending a second time to be guilty of felony, and transported for fourteen years. S. 3.

This act not to extend to any thing done by authority of his majesty. S. 4.

Offences under this act committed on the high seas may be tried in any session for the trial of offences committed on the high seas. S. 7.

Prosecutions to be commenced within twelve months after the offence committed. S. 8. See *Insurance Stranded Ships, Wreck.*

BUSS, a small vessel, generally about thirty tons, employed in the herring fishery. See *Fisheries, Bounties.*

BUYING and SELLING is a transferring of property from one person to another, in consideration of some price or recompence, as an exchange is a commutation of goods for goods. A man may sell or exchange his goods in any manner, at any time, and with any person he pleases, unless judgment has been obtained against him, and the writ of execution is actually delivered to the sheriff, who has taken possession. On an agreement for goods, the vendee cannot carry away without payment, unless the vendor agree to trust him, for it is not a sale without payment. But if any part of the price be laid down, or any portion of the goods delivered by way of earnest, the vendee may recover the goods by action as well as the vendor may the price of them. But by 29 Car II. c. 3, no contract for the sale of goods to the value of 10*l.* or upwards shall be valid, unless the payment or delivery be performed, or unless some note in writing be made and signed by the party, or his agent, who is to be charged with the contract. But if a vendee, after the bargain is struck, tender the money, and the vendor refuses it, the property is absolutely vested in the vendee. A contract also by sale may be good, although the vendor hath no property in the goods sold at the time of the sale; for the buyer, by taking proper precautions, may at all events be secure of his purchase. A sale of goods in market-overt is binding not only between the parties, but on those to whom the property may in truth belong; as if a man steal goods, although the owner may at any time seize them, yet if the thief sell them in market-overt,

overt, the property is changed by the sale. Market-overt in the country is only on stated days, but in London every day except Sunday is an open market for such things as the owner of the open shop professes to trade in. And by stat. 1 Jac. I. c. 21, if stolen property be taken to any pawnbroker in London, or within two miles, he shall restore it to the owner. See *Agreement*.

BY-LAWS, or BYE-LAWS, are regulations and laws made by any society or community for its own regulation, and for the better management of its affairs. All by-laws are for the general advantage, not for that of private persons, and must not contradict or interfere with the public laws and regulations for the time being.

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**C**ABLES and CORDAGE. By 35 Eliz. c. 8, persons making any cables of any old and over-worn stuff, which shall contain above seven inches in compass, shall forfeit four times the value of every such cable so made; and any persons tarring any halsters or other cordage, made of such old and over-worn stuff of a lesser size, not containing in compass seven inches, or who shall sell such cable, halster, or other cordage, shall forfeit the treble value thereof. S. 2.

All persons offending against the tenor of this act to be imprisoned during his majesty's pleasure. S. 3.

By 6 George III. c. 45, a bounty of 2s. 4<sup>d</sup>. is allowed upon every hundred weight of British cordage exported as merchandize to foreign parts. The exporter to give bond as security, with condition to bring in a certificate in discharge thereof within six months, if such goods shall be entered for or landed in Ireland, Guernsey, Jersey, Alderney, or Sark, and within 18 months if entered for or landed in any of the plantations in Africa or America, and within 30 months if entered for or landed in any port or place at or beyond the Cape of Good Hope. S. 1.

Officers of the customs may open and examine the goods: and if the same shall be found rightly entered, they shall be repacked at the charge of the officer; which charge shall be re-allowed, if reasonable, by the commissioners of the customs. S. 2.

If any dispute shall arise relative to the goods being actually of British manufacture, the proof to be upon

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the exporter, claimer or owner, and not on the officer. S. 3.

Cordage landed without licence, unless in case of distress, or to save the goods from perishing, to forfeit treble value. S. 4.

Nothing in this act to extend the bounties to cordage remanufactured from old cables, ropes or cordage, commonly called twice layed cordage. S. 3.

By 26 G. III. c. 85. s. 2, no bounty to be paid if made from American hemp, nor for less quantity than three tons weight.

No bounty on exportation to the Isle of Man.

No entry to be made without certificate of refusal from the navy board.

The above act, which has been continued by various acts, was still further continued by 36 G. III. c. 108.

**CABUL**, or KABOUL, a city of Asia, the capital of Cabulistan, a province of the Mogul empire, situated at the south foot of the mountains which separate the dominions of the Grand Mogul from Bucharia, and may be considered as the key to his empire on the side of Persia and Bucharia. It is a great, rich, and populous city, famous for the sale of Tartary horses, 60,000 of which are said to be annually sold here. In the neighbouring mountains are mines of iron, and there is exported from this city a large quantity of rhubarb; but great part of it is naturally bad or adulterated.

**CACHAO**, the capital of a province of the same name



in Touquin, where there is an English factory, and where are purchased silks and lacquered ware.

**CADIZ**, a city and port of Andalusia in Spain; 18 leagues north-west of Gibraltar, situated on a fine bay of the same name, so large as to contain any number of ships, which may there ride in security. Cadiz is at present the centre of all the commerce of Spain, internal and external. It is likewise a place whither the merchants of all the nations of Europe send their own commodities, as well as those of their East India and colonial possessions, in order to be exported to Spanish America. Here is the rendezvous of the annual *flota* to America, and during the last months of the stay of this fleet the bustle is prodigious. The exportation of French luxuries in dress is considerable, particularly silk, and gold and silver tissues, cottons, coffee, liqueurs, and also a variety of medicinal drugs. England sends great quantities of bale goods and other manufactures. Every commercial nation has a consul at Cadiz.

**CAFFA**. See *Black Sea*.

**CAIRO**, or **GRAND CAIRO**, the capital of Egypt, situated near the banks of the Nile. This city is of great magnitude and extremely populous. Here the European nations, particularly the English and French, have consuls, and it is a city of great trade; the nature of that trade has already been mentioned in the account of Alexandria, whither the commodities collected at Cairo are conveyed down the Nile in the country vessels called *ranjas*.

**CALABRIA**, a province of Italy in the kingdom of Naples, of which it is the most southern part. The soil produces corn, wine, oil, saffron, cotton, wax and honey.

**CALAIS**, a sea-port town in France, in the department of the Straits of Calais, and which, as being the nearest port in England, has a considerable traffic with this country. Its proximity, however, to the free port of Dunkirk, was a considerable restraint on its commerce with England. Ostend, too, and other places of the Netherlands, profit considerably by the

transit of English goods to Switzerland, in opposition to Calais.

**CALLAO**, the port of Lima in Peru. Its trade is considerable. From Chili it imports cordage, leather, tallow, dried fish, corn, cedar, planks, woollen manufactures, and carpets; from Peru, sugars, wine, brandy, masts, cordage, timber for shipping, cocoa, tobacco, and molasses; from Mexico, pitch, tar, wood for dyeing, sulphur, balsam of Peru, both white and brown, as well as commodities from China.

**CALCULATION**, the act of computing several sums by adding, subtracting, multiplying, or dividing. If the basis on which a calculation is formed be certain, and the process properly carried through by following the right mode of stating the question, and if no error is made in the figures, the result is certain. In most erroneous calculations, the error lies in the first basis, and not in the process of working the question.

**CALCUTTA**, the capital of Bengal. See *Bengal*.

**CALENDAR**, a table containing the divisions of time into days, weeks, months, &c. in one year, in their regular order and succession; the terms, feasts, changes of the moon, &c. &c.

The Mahomedan nations divide time differently from the Christian nations, all of whom used the Gregorian calendar, until the French adopted a new method of dividing and computing time. See *Calendar*, *French*.

**CALENDAR, FRENCH**. The French in their general rage for reform, altered the divisions of the year, as well as the hours of the day. Decimal arithmetic appeared to those who ruled in France to deserve a preference in every case, in consequence of which, all the months were regulated to contain 30 days each, and divided into three decades in place of weeks. By this means 12 months make 360 days, leaving five supplementary days, that belong to no month whatever in ordinary years, and six in leap years. The following tables will serve for adjusting dates in correspondencies with that country.

TABLES for reducing the Dates of the new French Calendar to the Dates of the  
Gregorian Calendar.

TABLE I.

Of the new French Calendar compared with the Gregorian Calendar for 40 years; that is, from 1802 to 1842.

Years of the Republic.	Gregorian Year.	Franciade.	Commencement of the French Year.		
			Year.	Sept.	Autumnal Solstice.
11	1802 - 03	4 s	1802	23	7 h. 15' 10" a
12	1803 - 04 b	1	1803	24	1 3 59 m
13	1804 - 05	2	1804 b	23	7 52 48 m
14	1805 - 06	3 iv	1805	23	0 41 37 a
15	1806 - 07	4 s	1806	23	6 30 26 a
16	1807 - 08 b	1	1807	24	0 19 15 m
17	1808 - 09	2	1808 b	23	6 8 4 m
18	1809 - 10	3 v†	1809	23	11 56 53 m
19	1810 - 11	4	1810	23	5 45 42 a
20	1811 - 12 b	5 s	1811	23	11 34 33 a
21	1812 - 13	1	1812 b	23	5 23 20 m
22	1813 - 14	2 vi	1813	23	11 12 9 m
23	1814 - 15	3 vii	1814	23	5 0 58 a
24	1815 - 16 b	4 s	1815	23	10 49 47 a
25	1816 - 17	1	1816 b	23	4 38 36 m
26	1817 - 18	2	1817	23	10 27 25 m
27	1818 - 19	3 vii	1818	23	4 16 14 a
28	1819 - 20 b	4 s	1819	23	10 5 3 a
29	1820 - 21	1	1820 b	23	3 53 52 m
30	1821 - 22	2 viii	1821	23	9 42 41 m
31	1822 - 23	3	1822	23	3 31 30 a
32	1823 - 24 b	4 s	1823	23	9 20 19 a
33	1824 - 25	1	1824 b	23	3 9 8 m
34	1825 - 26	2 ix	1825	23	8 53 57 m
35	1826 - 27	3	1826	23	2 42 46 a
36	1827 - 28 b	4 s	1827	23	8 31 35 a
37	1828 - 29	1	1828 b	23	2 20 24 m
38	1829 - 30	2 x	1829	23	8 9 13 m
39	1830 - 31	3 xi	1830	23	1 58 2 a
40	1831 - 32 b	4 s	1831	23	7 46 51 a
41	1832 - 33	1	1832 b	23	1 35 40 m
42	1833 - 34	2 xii	1833	23	7 24 29 m
43	1834 - 35	3	1834	23	1 13 18 a
44	1835 - 36 b	4 s	1835	23	7 2 7 a
45	1836 - 37	1	1836 b	23	0 50 56 m
46	1837 - 38	2	1837	23	6 39 45 m
47	1838 - 39	3 xii	1838	23	0 28 34 a
48	1839 - 40 b	4 s	1839	23	6 17 23 a
49	1840 - 41	1	1840 b	23	0 6 12 m
50	1841 - 42	2 xiii†	1841	23	5 55 1 m
51	1842 - 43	3	1842	23	11 43 50 m
	Ec.		Ec.		Ec.

b signifies *bissextile*, or leap-year—s *sextile*, or French leap-year—c common year of 365 days—m morning—a afternoon.

The French decree does not determine the proper rule for fixing the leap-year: the necessity for determining this rule will happen in 1811. The most convenient method appears to be the common one, when after 7 Franciades of 4 years, a Franciade of 5 years occurs: according to this regulation, the 5th and 13th Franciades are of 5 years each. The *Bureau des Longitudes* will doubtless ascertain this point with more accuracy.

TABLE II.

*By means of which the first day of each month of the new French Calendar is made to correspond with that of the common Calendar.*

Argument from Table I.	1 Vendémiaire	1 Brumaire	1 Frimaire	1 Nivose	1 Pluviose	1 Ventose	1 Germinal	1 Floral	1 Prairial	1 Messidor	1 Thermidor	1 Fructidor	First Inter-calary Day.
22 September	22	23	24	25	26	27	28	29	30	31	1	2	17 Sept.
23	23	24	25	26	27	28	29	30	31	1	2	3	18
24	24	25	26	27	28	29	30	31	1	2	3	4	19

When a Gregorian leap-year occurs, one day must be subtracted from all those days in the year which are marked with an asterisk.

TABLE III.

*By means of which the first day of each month of the common Calendar is made to correspond with the first day of the French Calendar.*

The Argument is always the first day of the French year, which falls in the preceding Gregorian year, taken from Table I													When a leap-year occurs, one day must be superadded to each of the following days.													The Argument is here the commencement of the year in the foregoing Gregorian year.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Argument from Table I.		1 January	1 February	1 March	1 April	1 May	1 June	1 July	1 August	1 September	1 October	1 November	1 December																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								

*New Division of Time.* The year is divided by the French into twelve equal parts and a fraction, and each part considered as a month, consists of thirty days.

Each month is divided into three decades, consisting, as the word implies, of ten days, which are called as follow :

Primidi, from the Latin *primus*, first. Duodi, from the Latin *duo*, two, second. Tridi, from the Latin *tres*, three, third. Quartidi, from the Latin *quartus*, four. Quintidi, from the Latin *quintus*, five. Sextidi, from the Latin *sextus*, sixth. Septidi, from the Latin *septimus*, seventh. Octodi, from the Latin *octo*, eight for eighth. Nonodi, from the Latin *nonus*, ninth. Decadi, from the Latin *decem*, ten for tenth.

The year begins on the first of Vendemiaire, which answers to the 23d of September, of the Christian æra.

The months have thirty days, and are named as follow :

1 Vendemiaire (vintage month)	begins September 23.
2 Brumaire (foggy month)	begins October 23.
3 Frimaire (fleece month)	begins November 22.
4 Nivose (snowy month)	begins December 23.
5 Pluviose (rainy month)	begins January 21.
6 Ventose (windy month)	begins February 20.
7 Germinal (budding month)	begins March 22.
8 Floreal (flowery month)	begins April 21.
9 Prairial (meadow month)	begins May 21.
10 Messidor (harvest month)	begins June 20.
11 Thermidor (hot month)	begins July 20.
12 Fructidor (fruit month)	begins August 19.

They make in all 360 days. The remaining five are called Complementary days.

- 1st Complementary day is the 18th of September.
- 2d Complementary day is the 19th of September.
- 3d Complementary day is the 20th of September.
- 4th Complementary day is the 21st of September.

5th Complementary day, or last day of the French year, answers to the 22d of September, thus making 365 days.

The eleventh year of the republic commenced on the 23d of September 1802.

**CALIFORNIA**, an extensive country in North America, forming a long point of land on the west coast ; and from the variety of climate it occupies, very various in soil and productions. From its distant si-

tuation and the superior value of the neighbouring Spanish provinces, this country is of very little consequence, in a commercial point of view. It contains mines of gold and silver, but they are very little worked.

**CALICOES, LINENS, &c.** See *Excise, Exportation, Importation.*

**CALICUT**, a kingdom of Asia, on the Malabar Coast. The soil is good, and produces rice, ginger, saltpetre, aloe, sugar and oil, besides a particular species of dates, of which the inhabitants make wine. The city of Calicut is the capital, and another great town is Samerin. The bazar at Calicut is one of the first in Malabar, and is always filled with rich merchandize. Here are manufactured some very fine cloths.

**CALLING the PLAINTIFF**, is the form which takes place when the plaintiff is nonsuited. It is usual for a plaintiff when he or his counsel perceives that he has not given evidence sufficient to maintain his issue, to be voluntarily nonsuited, or to withdraw himself, whereupon the cryer is ordered to call the plaintiff, and if neither he nor any one for him appears, he is nonsuited, the jurors are discharged, the action is at an end, and the defendant recovers his costs ; but this is not, like a retraxit or a verdict, a bar to another action.

**CAMBIO**, an Italian word, which signifies exchange. See *Exchange.*

**CAMBOYA**, a city of Hindoostan Proper, one of the largest cities in India, its products and manufactures being inferior to few. The country abounds in corn, cattle, and silk. The inhabitants excel in embroidery, and cornelian and agate stones are found in the rivers.

**CAMBRAY**, a city in France, capital of the department of the north, a place noted for the manufacture of cambrics, which hence took their name. Here are also manufactured large quantities of soap, hides, and thread. The *eclat* of Cambray, however, for the manufacture of cambrics, has been considerably diminished through the enterprising exertions of Valenciennes, St. Quentin, and other towns.

**CAMBRIC and LAWNS.** See *Excise, Importation, Exportation.*

**CAMPEACHY**, a town at the bottom of the gulph of Mexico,



Mexico, in the neighbourhood of which the English, from the middle of the 17th century, cut logwood and mahogany; the latter of which got from it often the name of Campechy wood. This trade being a direct intrusion on the territory of the Spaniards, who are particularly jealous of any interlopers in that part of the world, it has often been the subject of disputes; and it is well known to have been the immediate cause of the war of 1741. For a number of years past, however, the logwood cutters have left Campechy, and removed to the Bay of Honduras. See *Honduras*.

CANADA, sometimes called New France, a province of North America, ceded to this country by the French, and having great commercial advantages from the immense lakes, as well as the vast rivers, particularly the St. Lawrence and Mississippi, which afford a communication through the interior of the northern parts of the American continent, and the valuable fur trade of a great tract of country, throughout which these waters flow. The principal exports from Canada are skins, furs, ginseng, snake-root, capillire, wheat and timber, and the imports consist of a variety of British manufactures.

CANAL. An original subscriber to a canal-navigation is not liable for any call made by the committee, after he has assigned his share. 7 T. Rep. 36. See *Navigable Canals*.

CANARY ISLANDS lie to the west of the coast of Biledulgerid, in Africa; they are twelve in number, producing grain, fruits, and excellent wine, which is transported to most parts of Europe, particularly to Great Britain. They yield likewise some sugar, dragons-blood, and other sorts of gum.

CANDLES. See *Excise, Exportation, Importation*.

CANDLE DUTIES and REGULATIONS on. See *Excise*.

CANDLE, SALES by. An inch, or short piece of candle, is lighted in a sale room or auction room, when any lot of goods is put up, and the bidders continue to bid until the candle is out, when the lot falls to the last bidder.

CANTON, an immense city of China, the capital of the province of the same name, having a good port on the river Ta-ho. Canton is the principal place of commerce in the empire. The extensive trade carried on here consists of tea, gold, diamonds, pearls,

and other precious stones, quicksilver, copper, tin, iron, steel, salt-petre, sugar, and various other productions of China. Here are made excellent cannon, which are said never to rebound, however strongly charged, a property attributed to the charcoal by which they are forged; and which is supposed to soften the iron, whilst the pit-coal used in Europe communicates salts and other qualities which increase its hardness. The manufactures of China, particularly silk, muslins, embroidery, porcelain, &c. are universally known. In several of these, however, they have of late met serious rivals in the different nations of Europe, particularly England, France, and Germany; and certainly, at this time, a very small proportion of their manufactures is exported to Europe comparatively with what formerly took place. The silk and other stuffs of Canton look extremely well; but they are by no means of the best quality, either in point of goodness of materials or of workmanship: hence they are of no great estimation at Pekin. The silk stuffs, however, called *cha*, are considered of all others the best, particularly flowered silks, and those worked in the manner of lace.

The ships from England, Holland, France, and Portugal, bring hither the following commodities: gold and silver coins, woollen and linen stuffs of all kinds, clocks and watches, mathematical instruments, paper of all sorts, wine and other liquors.

CANVAS and SAIL-CLOTH. By 12 Anne, stat. 1. c. 16, masters of ships to make entry, upon oath, of all foreign made sails on board their respective ships; and before clearing inwards by the officers of the customs where she discharges her cargo, pay the duties of 1d. per ell.

By 19 G. II. c. 27. s. 2, every such foreign sail to be stamped at the port where the entry is made. Masters of ships not making such entry, or paying the duty before the ship is cleared inwards, shall forfeit the sails and pay 50l. penalty.

Masters of ships, after making the report and entry, and before the ship is cleared inwards, unwilling to pay the duty, and delivering the sails to the officers of the customs, shall not be subject to pay the penalty of 50l. but shall only forfeit the sails. S.

3.

Masters of ships coming from the East Indies, having

ing foreign canvas on board, are exempted from the above duty and penalty. S. 4.

Foreign-made sail cloth imported, to be stamped on larding, with stamps eight inches diameter, dipped in red lead and oil. 50*l*. penalty for forging such stamps. S. 6.

Persons working or making up foreign sail cloth that is not stamped, into tarpawlings or sails, such tarpawlings, &c. to be forfeited, with penalty of 50*l*. to be levied by distress; or to be committed for six months, or until payment. S. 7.

Sail-makers working up foreign canvas to put the stamps on the after side of the sail, in such a manner that the number of stamps in every sail may appear proportionably to the number of pieces contained in the said sail, under penalty of 10*l*. and forfeiting such sail if made otherwise. S. 8.

Sails made of foreign canvas unstamped not to be mended, under penalty of 20*l*. S. 9.

New sails to be stamped with the maker's name and place of abode, in a stamp eight inches in diameter, dipped in lamp black and oil, on penalty of 10*l*. and forfeiture of sails. S. 10.

Ships built in Britain or the Plantations, on first setting out, to be furnished with a complete set of new sails, manufactured in Great Britain, under penalty of 50*l*. S. 11.

The above act is continued by 40 G. III. c. 45.

**CAPE-DE-VERD**, a prominent cape on the west coast of Africa, between the rivers Gambia and Senegal. This country is fertile, and contains in its district a number of populous towns and places. Its situation being highly favourable for commerce, it is frequented by traders from Cairo, Tunis, Oran, Fez, Morocco, and a variety of other nations. Its principal town is Tombuto, which is in a manner the *dépôt* of the gold of Mandingo. Hence are also exported a considerable quantity of wax, elephants' teeth, and ambergris, besides ox and buffaloes' hides. Here are also a number of valuable and well managed iron-works, where are forged long bars, formed into lances and other arms, and implements for fishing and labouring the ground.

**CAPE-DE-VERD ISLANDS**. These are situated on the coast of Africa, opposite to the mouth of the river Senegal: they are 10 in number, the principal of

which is St. Jago. The Cape-de-Verd Islands form a convenient touching-place for ships on their way to or from the East Indies and Africa; and the few Portuguese who inhabit them readily exchange their provisions for European commodities. These islands have some trade in skins, particularly goat and kid skins. These, as well as a few wild ox hides, are either exported to Portugal, in exchange for a variety of their manufactures, or are sold to foreigners.

**CAPE OF GOOD HOPE**, in the southern extremity of Africa, taken by the English from the Dutch in September 1795, but agreed by the definitive treaty of peace to be restored; a place where the ships of this and other nations generally put in on their way to India. The wines made here are of great variety, and some of excellent quality, particularly the Constantia.

**CAPITAL**, the sum of money or amount of property which an individual or a company vests in trade, or which at any future time comprises the monied or other stock employed in carrying it on.

When it is applied to a large company, it is generally called the stock or joint stock of the company. The word capital is opposed to the word gain in commercial affairs, in the same manner that interest is to principal when speaking of money; but when the interest or gain is in either case joined to the principal or capital, then they go by the general name of increased principal or capital.

**CAPTURE**, particularly relates to prizes taken by privateers, &c. in time of war, which are to be divided between the captors, &c. See *Insurance*.

**CARAVAN**, a caravan or assembly of travellers by land, who, for their greater security, march in a body through desert countries, or where they are liable to be attacked by robbers or enemies. Caravans consist generally of merchants, but sometimes of pilgrims and other religious persons. Most of the inland commerce in Asia and the east is carried on by caravans, which are generally attended by armed men. There is always a guide or chief, and frequently four chief officers.

The first officer has an absolute command over all the rest; the second commands during the march; the

the third while the caravan stops or halts in the journey; and the fourth is in order to make the arrangement, in case of the appearance of an enemy; he acts also for the order and distribution of provisions, &c. &c. There is besides these the fifth officer, who is the purser or treasurer, who keeps journals of all that passes.

Any person is at liberty to form a caravan; and those who join to travel with him are equally free; but when once formed into a body, they must obey the usual rules and regulations.

There are sea caravans, consisting of small vessels, and established for similar purposes. The trade from Constantinople to Alexandria is chiefly carried on by a caravan. Peter the Great established one between Russia and China; and there are four that go regularly every year to Mecca. The communication between the Red Sea, as well as the Persian Gulph and the Mediterranean, is carried on by caravans, as well as all the interior commerce of those countries.

**CARAVANSERA**, a place appointed for the receiving, loading, and unloading the caravans.

The caravanseras of the east are something of the nature of the large inns in Europe, except that the travellers meet with little of what they want, and are obliged to carry most of the necessaries they have occasion for, along with them.

They are under good and very strict regulations; and the persons of strangers are held sacred whilst in them.

**CARGO**, all the merchandize on board a ship. A ship is said to have all its cargo when it can hold no more, or when it is judged proper to put no more into it. Whatever is of use for the crew or passengers, or to be consumed by the live stock, is not counted part of the cargo, though live animals themselves sometimes constitute part of the cargo of a ship.

**CAROLINA**, **SOUTH**, one of the United States of America, bounded on the east by the Atlantic; on the north by North Carolina; and on the south and west by the river Savannah, which divides it from Georgia; its western boundary has not yet been accurately ascertained. It is 200 miles long, and 125 broad, divided into seven districts and 35 counties. Besides Indian corn, wheat, &c. for home consump-

tion; large quantities of tobacco, and some indigo and wheat are raised for exportation.

**CAROLINA**, **NORTH**, one of the United States of America, bounded on the north by Virginia; on the east by the Atlantic; on the south by South Carolina and Georgia; and on the west by the Mississippi. It is 758 miles long, and 110 broad, divided into eight districts and 58 counties. Beside the vegetable productions common to America, there are ground peas which run into the surface of the earth, and are covered by hand with a light mould; the pods grow under ground; they are eaten raw or roasted, and taste much like a hazel-nut. Cotton also is universally cultivated here. The most remarkable of their trees is pitchpine, a tall handsome tree, far superior to the pitchpine of the northern states: it may be called the staple commodity of North Carolina, for it affords pitch, tar, turpentine, and various kinds of lumber.

**CARNATIC**, a country of Hindoostan, extending from the Guntour Circar, along the coast of Coromandel to Cape Comorin, including Tanjore, Maravar, Trichinopoly, Madura, and Tinavelly. The British possessions are chiefly confined to the valuable tract called the Jaghire. The capital of the Carnatic is Arcot. In 1787 the East India Company took the whole administration of the Carnatic, and the collection of the nabob's revenues, into their own hands. See *Coromandel*, *Hindoostan*.

**CARRACCAS**, a district of Terra Firma, included in the west part of the province of Venezuela, and adjoining Cumana. In 1728 Philip V. granted to a company of merchants an exclusive right of trade with the Carraccas and Cumana, which is sometimes called the company of Caracacas, and sometimes that of Guipiscoa, from the province of Spain, in which it is established.

**CARRIER**. Every person carrying goods for hire is deemed a carrier, and as such is liable in law for any loss or damage that may happen to them whilst in his custody.

Waggoners, captains of ships, lightermen, &c. are therefore carriers; but a *stage-coachman* is not within the custom as a carrier, unless he takes a distinct price for carrying of goods as well as persons; and although money be given to the driver, yet that is a gratuity, and cannot bring the master within the

custom; for the master is not chargeable with the act of his servant, but when he acts in execution of the authority given by his master, and then the act of the servant is the act of the master.

Neither are *hackney-coachmen* carriers within the custom of the realm, so as to be chargeable for the loss of goods, unless they are expressly paid for that purpose, for their undertaking is only to carry the person.

If a person take hire for carrying goods, although he is not a common carrier, he may nevertheless be charged upon a special assumpsit; for where hire is taken, a promise is implied; and where goods are delivered to a carrier, and he is robbed of them, he shall be charged, and answer for them, on account of the hire, and the carrier can be no loser, as he may recover against the hundred.

Goods sent by a carrier cannot be distrained for rent; and any person carrying goods for all persons indifferently, is to be deemed a common carrier as far as relates to this privilege.

If a common carrier, by land or water, loses goods he is entrusted to carry, a special action on the case lies against him on the custom of the realm, but not in trover.

But this does not extend to losses happening by the act of God, or the king's enemies; as when the losses happen by the sinking of a barge by a sudden gust of wind, or where goods are thrown overboard by the bargemen, &c. in a tempest, to save the lives of the passengers.

But it must appear to have been really the act of God; for where the loss happened by fire, whilst goods were in the carrier's custody, he was held liable; and where the losses are occasioned by the king's enemies, such must be public enemies at war with us, and not traitors or felons, in order to excuse the carrier.

To make a carrier liable, the goods must be placed under *his sole care*; for if a servant of the owner is also sent with them, for the purpose of superintending them, the carrier is exonerated. *East India Company v. Pullen, Stra. 660.*

But in order to charge the carrier, it is not necessary that the goods should be lost whilst immediately under his own individual care; for he is bound to

deliver them, either by himself or agents, safely to the house, &c. to which they are directed: if therefore they are left at the inn till spoiled, without being sent to their place of destination, or notice thereof given to the consignee, the carrier is liable. *3 Wils. 429. 2 Blac. 916.*

But in a case where goods were directed to Stockport, by way of Manchester, at which place they were lost, the carrier was held not to be chargeable; it appearing that such housing was agreeable to the constant usage there, and done for the convenience of the owner of the goods, and not for the carrier. *4 T. R. 581.*

And so if the loss of goods happen by the owner's own default, the carrier must be exempted; as where a cask of wine burst in the carrier's team, owing to its being too new for carriage. *Bul. N. P. 74.* Also where a carrier's waggon is full, and yet the owner would thrust his goods in: in these cases the carrier is not liable. *8 T. R. 330.*

One brought goods to a carrier, and warranted them to be of such a weight, and they proved to be double that weight, by means whereof the carrier's horses were spoiled, it was held, that the carrier might maintain an action on the case against the owner.

It has been held, that where one brought a box to a carrier, in which there was a great sum of money, and the carrier demanded of the owner what was in it; he answered it was filled with inferior goods of a mean value, upon which the carrier took it and was robbed; and resolved that the carrier was liable to make it good: but if the carrier had told the owner that it was a dangerous time, and if there were money in it he durst not take charge of it, and the owner had answered as before, this would have excused the carrier. *4 Co. Southcote's case. 1 Vent. 238; Bul. N. P. 75; Stra. 145.*

In all cases of special or qualified acceptance of goods, &c. the carrier is liable no farther than he undertakes, as where the proprietor of a coach, &c. gives public notice that he will not be answerable for goods beyond a certain value, unless entered as such and paid for accordingly, the carrier will not be answerable without such entry, &c. is made; or for a larger sum than is there mentioned. *4 Burr. 2298. 1 H. Blac. Rep. 298.* Unless  
the



though expressed to be done on behalf of the owners, is not a good foundation for an action brought against them, grounded upon the deed itself; the force and effect of a charter-party must be construed by the application of a technical rule of the English law to the following purport: That the force and effect which the law gives to a deed under seal cannot exist, unless the deed be executed by the party himself, or by another for him in his presence, and by his direction, or in his absence by an agent authorized to do so by another deed; and in every such case the deed must be made and executed in the name of the principal. The agent may, indeed, execute a charter-party, and bind himself to be responsible for the act or default of his principal. *Harrison v. Jackson* and others, 7 T.R. 207.

Here also must be noticed another technical rule of the English law, applicable to this contract. A charter-party is expressed to be made between certain parties, as between A and B, owners of a ship, whereof C is master of the one part, and D and E of the other part, and purports to contain covenants with E; nevertheless C cannot bring an action in his name upon the covenants expressed to be made with him, nor give a release of them, even though he seal and deliver the instrument. But, if the charter-party is not expressed to be made between parties, but runs thus: "This charter-party indented witnesseth, that C. master of the ship W, with consent of A and B, the owners thereof, lets the ship to freight to E and F," and the instrument contains covenants by E and F, to and with A and B: and in this case A and B may bring an action upon the covenants expressed to be made with them, although, unless they seal the deed, they cannot be sued upon it. This latter, therefore, is the most proper form. *Scudamore v. Vandonstene*, 2 Inst. 673. *Cooker v. Child*, 2 Lev. 74. *Grilby v. Copley*, 3 Lev. 138.

The freighter of a ship may optionally either lade it with his own goods, or, if he has not sufficient, may take in goods of another person's, or he may underlet the whole to another person. It is obvious this practice may be defeated by the introduction of a clause to prevent the same.

Like all other deeds, a charter-party is in force and effect from the day of sealing and delivering, and not

from the day on which it bears date, if varying from the day of the delivery, unless there be words of reference to the day of the date.

It has been acted upon as a governing principle in our courts of law, in the construction of these, as well as other mercantile instruments, that the construction should be liberal, agreeable to the real intention of the parties, and conformable to the usage of trade in general, and of the particular trade to which the contract relates.

If a merchant sustains any injury by the delay of a ship not sailing after she is loaded, he will be entitled to a compensation in damages proportioned to his loss.

The contract by charter-party is a reciprocal obligation; but nevertheless the parties may, by particular clauses, render it obligatory upon one; and optional upon the other.

The charter-party of the East India Company usually contains the following clauses: "As touching the freight to be paid or allowed by the company, it is agreed, and the company covenant with the said part owners, that the Company shall and will, in case and upon condition that the ship performs her voyage, and arrives at London in safety, and the said part owners and masters do perform the covenants on their parts, and not otherwise, well and truly pay and allow the freight herein mentioned. It is thereby agreed, that in case the ship does not arrive in safety in the river Thames, and there make a right delivery of the whole and entire cargo and lading on board the said ship as aforesaid, the company shall not be liable to pay any of the sums of money thereinbefore agreed to be paid for freight or demurrage, nor subject to any demands of the said part owners or masters, on account of the said ship's earnings in freight voyages for the company, or on account of any other employment; any law, practice, or custom, to the contrary notwithstanding."

Although a liberal construction may be allowed to the words of a charter-party, yet it certainly must not be repugnant to, or inconsistent with, their plain and obvious meaning.

A charter-party made by the master in his own name, furnishes no direct action against the owners, grounded upon the instrument itself, by the law of England; but, when the contract is made by him in

a foreign port, in the usual course of the ship's employment, and under circumstances which do not afford evidences of fraud, or when made by him at home under circumstances which afford evidence of the owners' assent, the ship and freight, and indirectly the owners, are bound to the performance.

When goods are put on board in pursuance of a charter-party, the master is to sign for them bills of lading, the charter-party being the instrument and evidence of the contract for the conveyance, and the bill of lading the evidence for the shipping of the particular merchandize, to be conveyed in pursuance of the contract. See *Marine Insurance*.

**CHATTELS**, a very comprehensive term, signifying all sorts of goods and property, moveable or immovable, except freehold property.

**CHEATING**, deceitful practices in defrauding or endeavouring to defraud another of his own right by means of some artful device, contrary to the rules of common honesty. The distinction laid down as proper to be attended to in all cases of this kind is this, that in such impositions or deceptions, where common prudence may guard persons against their suffering from them, the offence is not indictable, but the party is left to his civil remedy; but when false weights or measures are used, or false tokens produced, or such methods taken to cheat or deceive as people cannot by any ordinary care or prudence be guarded against, there it is an offence indictable. *Burr.* 1125.

By stat. 33 Hen. VIII. c. 1. s. 2, if any person falsely and deceitfully get into his hands or possession any moneys or other things by colour of false token, &c. being convicted, he shall have such punishment by imprisonment, setting upon the pillory, or by any corporal pain (except pain of death) as shall be adjudged by the persons before whom he shall be convicted.

By stat. 30 G. II. c. 24, persons convicted of obtaining money or goods by false pretences, or of sending threatening letters in order to extort money, may be punished by fine and imprisonment, or by pillory, whipping, or transportation. 2 T. R. 581. As there are frauds which may be relieved civilly, and not criminally, with the complaints whereof the courts of equity do generally abound; so there are other frauds which in a special case may not be relieved civilly, and

yet shall be punished criminally. Thus, when a minor goes about the town, and pretending to be of age, defrauds many persons by taking credit for a considerable quantity of goods, and then insisting on his non-age, if the persons injured cannot recover the value of their goods, they may indict and punish him for a common cheat. 1 Hawk. P. C. c. 71. s. 6. n. See *Character, Fraud*.

**CHECKS or DRAFTS** on bankers, are instruments by means of which a creditor may assign to a third person, not originally party to the contract, the legal as well as equitable interest in a debt raised by it, so as to vest in such assignee a right of action against the original debtor. 1 H. B. 602. These instruments are uniformly made payable to bearer, which constitutes a characteristic difference between them and bills of exchange; and the legislature has considered them in a more favourable point of view, by exempting them from the stamp duties. They are equally negotiable with bills, although, strictly speaking, not due before payment is demanded. When given in payment, they are considered as cash; and, it is said, may be declared upon as bills of exchange, and the moment this resemblance begins, they are governed by the same principles of law as bills of exchange.

The checks given by merchants of Bristol and other commercial places upon their bankers, directing them to pay a certain sum of money in a bill at a given date, have not any legal efficacy as negotiable instruments, the essence of which is, that they shall be for payment of money. Two cases, however, have occurred, viz. *Grogan v. Buckhouse*, and *Bolton v. Richards*, in the latter of which it was held that such a check not being presented in reasonable time, the debt was discharged.

Checks payable on demand, or where no time of payment is expressed, are payable instantly on presentment, without any indulgence or days of grace; but the presentment should be made within a reasonable time after the receipt, otherwise the party upon whom the check is drawn will not be responsible, and the person from whom the holder received it will be discharged.

It has been for some time a matter of discussion, what shall be deemed a reasonable time for the presentment.

sentment of a check or draft, and whether this shall be determined by the court or jury.

In some cases, keeping a check three, four, or five days, was held to be not too long. 2 *Free*. 247, 257. In another case it was held that presentment for payment must be within two days, *Str.* 508; and in more recent decisions it has been adjudged that presentment should be made the very day the check is received. *Chitty* 147. *Bayl.* 65.

According to the opinion of merchants of the present day, a check on a banker ought to be presented for payment on the *same day* it is received, if given in the place where payable, and the distance or other circumstances will allow of it. But if this question is to be considered as dependant upon the usage of merchants, as settled by judicial decisions, the result of those decisions is, that a presentment of a draft on a banker's check, payable in the place where it was given, may be made at any time before 12 o'clock on the day after the receipt of it, or at any time within 24 hours after such receipt. *Str.* 415, 416, 910, 1175, 1248. *Lord Raymond*, 928. *Holt*, 120. 1 T. R. 168. *Appleton v. Sweetapple*, *Bayl.* 65. 5.

From this species of uncertainty it appears in all cases advisable for the holder of a check to present it, where circumstances will allow of it, on the same day it is received. If the party reside at a distance, it is a general rule that checks should be presented as soon as possible.

If payment of a bill be made with a check, such payment will justify a person holding the bill in giving it up, although such check be afterwards dishonoured. 6 T. R. 12. But if payment of a check be made before it be due, in case of loss or accident, the banker must pay it over again, *Du Silva v. Fuller*, *Sittings London*, Easter 1776, *Esp. Ni. Pri.* 40.

A banker's draft is only taken conditionally if paid, and not otherwise, unless there is an express agreement to take it as cash. 2 *Salk.* 442. *Lord Raym.* 928.

A banker's draft payable to bearer, and indorsed, is a bill of exchange against an indorser, and he is equally liable.

Checks on bankers residing ten miles or more from the place where they are drawn, must be on a stamp of the same value as a bill of exchange of an equal

amount. See *Bills of Exchange, Discharge, Payment.*

CHESTER, the capital of Cheshire, has some foreign trade, a manufacture of gloves, and a considerable traffic of shop-goods into North Wales.

CHILI, a kingdom of South America, in the possession of Spain, bounded by Peru on the north, La Plata on the east, Patagonia on the south, and the Pacific Ocean on the west. This country abounds with mines of gold, silver, copper, tin, quicksilver, and lead. The soil is prodigiously fertile. All the European fruits have improved in that happy climate. The wine would be excellent, if Nature were properly assisted by Art; and the corn harvest is reckoned a bad one, when it does not yield an hundred fold. With all these advantages, Chili has no direct intercourse with the mother country. Its trade is confined to Peru, Paraguay, and the savage nations on the frontiers; with these last, the inhabitants exchange their less valuable commodities for oxen, horses, and their own children, whom they are ready to part with for the most trifling things. This province supplies Peru with hides, dried fruits, copper, salt meat, horses, hemp, lead, wheat, and gold. In exchange it receives tobacco, sugar, cocoa, earthen ware, woollen cloths, linen, hats made at Quito, and every article of luxury brought from Europe. The ships sent from Callao on this traffic, were formerly bound to Concepcion Bay, but now come to Valparaiso. To Paraguay are sent some woollen stuffs, called Ponchas, which are used for cloaks, also wines, brandy, oil, and chiefly gold. In return they receive wax, a kind of tallow fit to make soap, European goods, and negroes.

CHINA, an immense empire in Asia, containing, according to Sir George Staunton, a population of not less than 333,000,000 inhabitants. It is 2000 miles from north to south, and 1300 from east to west, and is divided into 15 provinces. The merchandizes exported from China are teas, wrought and raw silks, cottons in wool, thread and cloth, brass, tutenague, camphire, musk, flax, sugar, salt, sweetmeats, quicksilver, vermilion, lapis lazuli, vitriol, ambergris, rhubarb, galangal, porcelain, japanned works, camblets, hemp and hempen linens, fine gold, pewter, iron, steel, and many instruments made of these metals,

tales, richly wrought, precious stones, pearls, aloes, roze, brazil and ebony wood, jesuits bark, brought from the Manillas, yellow and reddish amber. The principal return for these commodities is in silver, either in bars or dollars, and also in the following goods, viz. fine cloths of all sorts, camblets, serges and other woollen stuffs, clocks and watches, looking glasses, mathematical instruments, paper, pencils, various ornaments for both sexes, some European liquors, and especially wine. The English carry also thither from Madras, lead and pewter, liquid storax, rattans, incense, assafetida, Madras red wood, myrrh, pucho, and pearls. See *Canton, Peking*.

**CHRISTIANSTADT**, a town in Sweden, on the coast of the Baltic, almost at the southern extremity of the kingdom, and is very favourably situated for commerce. The fishery of salmon, mackarel, and lobsters forms a considerable part of the foreign trade of this place. The inhabitants also export considerable quantities of timber, alum, pitch, and tar; and they have manufactures of cloth and silk stuffs.

**CINQUE PORTS**, five ports or havens that lie on the south-east coast of England, towards France; namely, Dover, Hastings, Hythe, Romney, and Sandwich; to which were afterwards added, Winchelsea, Seaford, and Rye. They were distinguished from the other ports, on account of their superior importance; in consequence of which they are governed by a lord warden of the Cinque, and regulated by a police peculiar to themselves.

**CIRCULATION**, the passing of money from one person to another, in the course of commerce and trade. See *Commerce, Money, and Circulating Medium*.

**CIRCULATING MEDIUM**, a term implying money, or whatever circulating between man and man serves for payment in commerce. Though metallic money is the most general and durable species of circulating medium, yet the term is rather applied to the representatives of money, than to money itself. The term is but of late adoption, and is generally applied to paper money, as a way of distinguishing it from metallic money; the one being a promise of value, the other value itself.

In the exchange of one article for another, money serves as a medium, by which the value of each com-

modity is measured, and which, by circulating from one hand to another, is very properly termed a circulating medium; but the term money, which is of very ancient origin, and therefore perfectly well understood, applies, by a sort of general consent, to metallic money only.

Bank notes, and all paper payable on demand, is known by the name of a circulating medium; but bills of exchange, or notes payable at a fixed period, are not understood to be comprehended under that title, although in reality they circulate and answer the purpose of a medium. For a farther account of paper and other money, see *Bank, Money, and Coins*.

**COALS**. The statute 9 Anne, c. 28, (made perpetual by stat. 1 G. I. c. 26), entitled, "An act to dissolve the present, and prevent the future combination of coal-owners, lighter-men, masters of ships, and others to advance the price of coals, in prejudice of the navigation, trade, and manufactures of this kingdom, and for the further encouragement of the coal-trade," enacts, that every contract, whether in writing or not, between any coal-owners, lighter-men, fitters, masters or owners of ships, crimps, coal-factors, or other persons whatever concerned in the coal-trade, for engrossing coals, or for restraining or hindering any person from freely selling, buying, lading or unlading, navigating or disposing of coals, shall be illegal, null, and void. And that if any coal-owners shall be concerned in any such illegal contract, directly or indirectly, they shall incur the following penalties, viz. coal-owners or proprietors of coal-mines 100l. fitters 50l. masters or owners of ships, and clerks, agents, or servants, 20l.

To prevent frauds and abuses it is also enacted, that every fitter or person selling or delivering coals, shall give a certificate to the ship-master on every voyage, stating the quantities, prices, &c. of the coals sold and loaded on board his ship, which certificate shall, within 48 hours after the arrival of the said ship at the port of London, be registered at the coquet-office appointed by the lord mayor, or in any other port at the custom-house, under penalty upon all parties guilty of neglect of 10l.

By s. 3 of the same act, a penalty of 50l. is imposed on any lighter-man, ship-master, crimp, coal-factor,



factor, or other person dealing in coals, who shall (by himself, his servants or agents) receive or take any salary or gratuity money, allowance in coals, or reward whatever from any coal-owner, fitter, &c. for disposing of any particular sort of coals in preference to any other sort, or for lading any ship, or disposing of any coals from on board any ship before any other ship, or shall sell one sort of coals as and for another sort.

By s. 4, this penalty is increased to 500*l.* which is also imposed on the coal-owner or fitter giving or agreeing to give any such gratuity, reward, &c.

By s. 7, a penalty of 50*l.* is imposed on all crimps, &c. selling coals to their own agents in trust for themselves.

The penalties in this act are recoverable only in the courts at Westminster.

By stat. 3 G. II. c. 26, for the better regulation of the coal trade, it is enacted, that dealers in coals may in future use their own lighters, provided they are navigated by lighter-men properly qualified and entitled to work on the river Thames; and the lighters are to be entered with the Watermens' Company, and subject to their rules.

For the making more effectual all agreements between ship-masters and buyers of coals, all bargains for coals at Billingsgate-market, or other place of sale in the bills of mortality, must be entered in the factor's books, signed by the buyer and seller, and witnessed by the factor, who shall give a copy of the contract to both under penalty of 50*l.* And by 11 G. II. c. 15. s. 6, 7, a like penalty of 50*l.* is imposed on both buyer and seller refusing to sign the contract, and on the ship-master refusing to produce to his owners, when required, copies of the contracts from the factors books. These penalties are recoverable in the superior courts.

By s. 9 of 3 G. II. c. 26, a penalty of 100*l.* is imposed on the masters of ships in the coal-trade refusing to give yearly accounts to their owners, or refusing to obey the owner's directions, provided that nothing be contained in such directions which shall relate to the restraining or enhancing the price of coals in the river Thames, or to keeping of turn in delivering of coals there. By stat. 4 G. II. c. 30, a penalty of 100*l.* is imposed on owners giving directions as to keeping

turn, and on all persons obeying such directions, and masters of ships are, on penalty of 50*l.* to deliver their cocket within four days after the arrival of the ship at Gravesend, and not let them remain in the hands of any agents on behalf of the owners: a method which it appears had been used to oblige coal-ships to keep turn, notwithstanding the laws to the contrary.

By 28 G. III. c. 53, any number of persons united in covenants or partnership, or in any way whatsoever, consisting of more than five persons, for the purchasing of coals for sale, or for making regulations with respect to the manner of carrying on the said trade in coals, shall be deemed an unlawful combination to advance the price of coals, and every person concerned therein shall be punishable by indictment or information in the Court of King's Bench.

By the stat. 16 and 17 Charles II. c. 2, all sorts of sea-coals brought into the river Thames, &c. shall be sold by the chaldron containing 36 bushels, heaped up, and according to the bushel sealed for that purpose at Guildhall in London, and so for a greater or less quantity; and all other sorts of coals coming from Scotland and other places, commonly sold by weight and not by measure, shall be sold by weight after the proportion of 112*lb.* to the hundred of avoirdupois weight, without any fallacy or deceit, upon pain of forfeiture of all the coals which shall be otherwise sold or exposed to sale by any woodmonger or retailer of coals, and the double value thereof, to be recovered by any prosecutor in any court of record, or by way of complaint made unto the lord mayor of London and justices of peace within the city of London and liberties, or to any two of them, or to the several justices of the peace of the several counties and places where such coals shall be exposed to sale, or any of them. The lord mayor of London and court of aldermen, and the justices of peace, or any three or more of them, whereof one to be of the quorum, are by the said act empowered to set the rates and prices of all such coals as shall be sold by retail, as they shall judge reasonable, allowing a competent profit to the retailer beyond the price paid by him to the importer, and the ordinary charges thereupon accruing.

The continuance of this act was limited to three years; but by the 7 and 8 W. III. c. 36, s. 2, it was made perpetual. And the provisions of the act as to settling

ting the retail price of sea-coals were found so generally beneficial, that by statute 17 G. II. c. 35, they were extended all over the kingdom; authority being given to three justices (one being of the quorum) for that purpose, in their several jurisdictions.

By 12 Anne, stat. 2. c. 17. s. 11, the coal bushel is to be made round with an even bottom, and to be 19½ inches from outside to outside, and to contain one Winchester bushel, and one quart of water, according to the standard for the Winchester bushel described by 13 and 14 W. III. c. 5. s. 28; in the act referred to, the Winchester bushel is described as 18½ inches wide throughout, and 8 inches deep; and by 3 G. II. c. 26, it is directed, that this bushel shall be used by all dealers in coals by the chaldron or lesser quantities in London and Westminster, or within ten miles thereof, and the sack shall contain three such bushels, on penalty of 50l. the bushel to be sealed or stamped at Guildhall, London, or the Exchequer Office, Westminster, on penalty of 50l. on persons using it unstamped, or diminishing its size.

By s. 10 of the act 3 G. II. c. 26, already quoted, reciting, that by ancient custom in the port of London, one chaldron of coals is allowed into every score brought on board ship, and so in proportion for a greater or less quantity, which is called ingrain; notwithstanding which, many persons dealing in coals do load the same from on board ship bare measure, without the said ingrain, to the great injury of the consumers; a penalty of 100l. (recoverable in the superior courts) is imposed on all lightermen and others selling any quantity of coals, as and for Pool measure (viz. such measure as is usually given or allowed in the Pool or river Thames) and not delivering to such purchaser their full quantity of coals, together with the ingrain, as measured to him from on board by the meter.

The sale of coals to consumers is most materially regulated by the following acts, establishing the land coal-meters offices in London, Westminster, and Surry, and at the wharfs on the river Thames within those districts.

By the stat. 7 G. III. c. 23 (continued to June 1, 1812, by 38 G. III. c. 56), to prevent frauds and abuses in the admeasurement of coals sold by wharf-measure within the city of London and the liberties

thereof, and between Tower Dock and Lime-house Hole, in the county of Middlesex, it is enacted, that a public-office shall be erected and continued within the city, in or near Thames-street, to be called the Land Coal-Meter's Office for the city of London, &c. to be kept open every day (Sundays excepted) from five in the morning till nine in the evening in the summer half year, and from six in the morning till six in the evening in the winter.

The first manager in the office is named in the act, and at his decease the appointment of that office is vested in the court of common council.

The said manager and the principal coal-meters, and their deputies and servants, are declared to be subject to the control of the court of mayor and aldermen, to be dismissed or suspended by that court on complaint or proof of any fraud, neglect, or misbehaviour, to be heard and determined by the court in a summary way.

The penalties, &c. under this act above 5l. are recoverable only in the courts at Westminster, but all others by complaint to any one justice for London or Middlesex, with an appeal to the quarter sessions; but a justice has nevertheless power to convict, in certain instances, where a penalty of 10l. is incurred.

By 26 G. III. c. 14, a like office was established for 21 years for the several parishes lying between Putney and Rotherhithe, both inclusive; to be provided and continued near Blackfriars-bridge, with five subordinate offices at Putney, Wandsworth, Battersca, and Lambeth, and in Tooley-street.

Two managers are appointed by this act, and subjected (with the principal land coal-meters and their deputies) to the control of the Surry quarter sessions.

The stat. 26 G. III. c. 108 (for explaining, amending, and reducing into one act of parliament several former acts), established a like office for the city and liberty of Westminster, and certain parishes in Middlesex, subject to the control of the respective general quarter sessions for the city and county; and the penalties are recoverable if above 5l. in the superior courts, or else before any one justice of the city or county, with an appeal to the Middlesex quarter sessions.

The principal land coal-meter in each district is to take an oath for the due execution of his office, and

to appoint a sufficient number of persons to be labouring coal-meters, one of whom shall attend at every coal-wharf, warehouse, and place of sale, to measure all such coals as shall be sold by wharf-measure; these labouring coal-meters are also sworn to the execution of their duty.

In Surry the principal coal-meter is also to appoint a deputy coal-meter at each of the subordinate offices, and a general penalty of 20l. is imposed on the principal meter neglecting to appoint, and of 5l. on the labouring meter neglecting to attend.

Upon notice given to any labouring coal-meter, or left at the principal coal-meter's offices, for a labourer to attend at any wharf or place named in such notice, in order to measure the coals of the person giving the notice, a labouring meter shall attend within one hour, or sooner if possible, under penalty of 20s. on the labourer neglecting to attend, and a like penalty on the principal meter neglecting to send.

If the principal coal-meter, or any person employed under him, shall, during their continuance in office, be directly or indirectly interested (otherwise than officially, though this saving is omitted in the Westminster act) in the sale of any coals whatsoever, they shall (in London) be dismissed from their employment, and disabled from ever holding the same, and forfeit for every offence 20l. In Westminster or Surry, the principal meter is to forfeit 100l. and the labouring or deputy meter 20l.; in Surry both parties, in Westminster only the labouring meters are to be dismissed from their office.

To prevent confederacy, the stations of the labouring meters are to be frequently varied.

All coals sold as and for wharf-measure at any wharf, warehouse, or place within the limits of the respective acts, shall be measured in the presence of one labouring coal-meter, who is empowered to fill any bushel appearing deficient out of the seller's stock.

Four pence per chaldron is to be paid by the keeper of the wharf, warehouse, &c. from which the coals are carted, or by the seller, to the principal coal-meter, to be applied by him in defraying the expences of his office, and hiring the labouring meters; or payment of this metage duty, the seller, or carman who carts away the coals, is to receive a ticket (signed by the principal meter, and countersigned by the la-

bouring coal-meter attending), containing the names of the seller and consumer, the quantity, the date, the metage charge, and the carman's name, with a notice to the purchaser, that if he is dissatisfied with the measure, he must tell the carman so before any part of the coals are unladen; this ticket the carman is to deliver to the consumer. A penalty of 40s. is imposed on the coal-meter refusing to deliver the ticket to the carman (on payment of the metage charge), and 10s. on the carman altering the ticket, or refusing to deliver it to the consumer.

If any cart, in which shall be any quantity of coals exceeding 17 bushels, shall be sent from any wharf, &c. within the said limits, without the coals having been so measured, and the ticket obtained, the vender of such coals shall (on conviction before one justice) forfeit for every such offence 10l.

If any wharfinger or dealer in coals shall make use of any sack, for the carrying coals within the limits of the respective acts, less than four feet in length and two in breadth, he shall forfeit for every such offence 5l.; a penalty of 40s. is imposed on labouring meters using or permitting sacks of less dimensions.

The sacks, at the time of their being made, and marked and sealed by the proper officer, are to be four feet four inches long and two feet two inches wide.

If any wharfinger or dealer in coals shall directly or indirectly give to any labouring coal-meter any reward or gratuity, besides the four pence per chaldron allowed, he shall forfeit for every such offence, in London 20l. in Westminster and Surry 50l.

If any labouring meter shall deliver a false ticket to any consumer, carman, or other person, with intent to defraud; or shall receive from any dealer in coals, any gratuity, &c. besides the four pence per chaldron; or shall wilfully make or suffer any false measure of coals, or deliver any ticket for coals not measured in his presence, he shall be rendered incapable of serving ever after in his office; and the principal coal-meter in London and Westminster shall pay a fine of 40s.; in Surry the fine is imposed in the first instance on the labourer, and if not paid within one month, is then to be paid by the principal meter.

If any labouring meter shall suffer any coals sold for wharf measure (exceeding 17 bushels) to be sent from any wharf or warehouse within the limits of the respective acts, without being duly measured in manner directed, and shall not give information thereof at the principal land coal-meter's office, within two days after the coals shall be so sent, he shall forfeit 5*l.* and be disabled.

Any person dissatisfied with the measure of any coals, may, on delivery to him of the meter's ticket, signify his desire to have the same remeasured, on which the carman is to stay with his cart and the coals (at the rate of 2*s.* 6*d.* per hour) till they are remeasured, under penalty of 5*l.* on the master of the cart, and 20*s.* on the carman. The purchaser is then immediately to send notice to the seller, that the coals are going to be remeasured, and also to send notice to the land coal-meter's office for the district in which the coals are sold; on which a principal or labouring meter (not being the meter under whose inspection, the coals were originally measured) must within two hours attend to remeasure the coals, and shall remeasure the same sack by sack, in the presence of the seller and purchaser (if they attend), and also in the presence of one principal or labouring coal-meter from the two other districts (whose attendance within London and Westminster is enforced by a penalty of 5*l.* but not in Surry); for this attendance the purchaser is to pay each coal-meter attending six pence per chaldron. If the coals prove deficient in measure, the seller shall forfeit 5*l.* for every bushel deficient, and also forfeit the coals to the poor. The labouring meter, under whose inspection the coals were measured at the wharf, shall also forfeit 5*l.* per bushel deficient, to be recovered (if not paid in five days) of the principal coal-meter, and the coal porters 2*s.* 6*d.* per bushel deficient.

Drivers of carts, or other persons belonging thereto, taking or suffering to be taken or delivered out of their cart, coals under their care, otherwise than to the owner or purchaser, shall forfeit 40*s.* or on non-payment to be committed to gaol for not less than one month nor more than three, unless the forfeiture is sooner paid.

By stat. 10. G. III. c. 53, no coal undertaker shall take or demand from any coal-heaver any money or

thing as commission, or as a gratuity in procuring such coal-heavers to be employed in unlading ships laden with coals, between London Bridge and Greenwich, nor under pretence of furnishing shovels, &c. nor on any pretence whatsoever, on pain of forfeiting for every such offence 5*l.*

Every coal-undertaker, before he shall undertake to procure coal-heavers to unlade any ship laden with coals, shall take an oath before the lord mayor, or one of the aldermen of London, to observe the directions of the act, on pain of forfeiting for every ship, for the discharge of which he shall so undertake, 5*l.*

No such coal-undertaker shall be a victualler, or directly or indirectly concerned to receive any part of the profits of such trade, or in any other manner in the selling eatables, or spirits, or drink of any kind, or tobacco, on pain of being rendered incapable, and to forfeit 5*l.*

If after conviction in any of the above cases, any coal-undertaker shall again undertake to procure coal-heavers to unlade coal ships, he shall, for every ship he shall so undertake, forfeit 5*l.*

Persons discharging coal ships shall be allowed 1*s.* 6*d.* per score, and so in proportion; and if any captain, owner, &c. having the care of any ships, shall pay to any coal-heaver any greater wages than as aforesaid, or gratuity in lieu of wages (except such price shall have been previously altered by the lord mayor and aldermen, which they are empowered to do) he shall forfeit for each offence 10*s.*

After any ships, &c. shall be unladen, the master, &c. is to pay to the foreman of the gang the money due for unlading, and such foreman shall pay to each man his share; and if the money shall not be paid on demand, the lord mayor or one alderman (before whom the penalties are recoverable, and who is empowered to determine all disputes, with an appeal to the London quarter sessions) is authorized to compel payment, and order 20*s.* costs.

By 6 G. III. c. 40. confirmed by 27 G. III. c. 13, the following quantities of coals may be exported annually to the under mentioned islands, the exporter being appointed by the governor of those islands, who is to give bond for their due importation into those islands respectively:

From



From Newcastle to Alderney	110 chald.
Guernsey	1000
Jersey	350
Total from Newcastle	1460
From Swansea to Alderney	10
Guernsey	150
Jersey	150
Total from Swansea	310

It may perhaps be thought by some, that the author has run too much at length into the enquiry on the whole of this subject; but the interesting nature of it, not only as it relates to the police of the river, but all the inhabitants of the metropolis in general, will doubtless plead his excuse. By a recent regulation, coals are to be delivered to the purchasers by the same measure at which they were purchased. See *Exportations, Importation*.

**COAST BONDS,** are certain bonds given by a person shipping goods to be carried coastwise, that the ship's lading shall be discharged in some port of Great Britain, upon which a certificate is returned from the custom-house where the said goods are landed, which is tacked to the bond, and returned along with it to the exchequer.

**COASTING TRADE.** By 32 G. III. c. 50, any person whatever may convey or remove, and carry forth to the open sea, any goods, wares, or merchandise, which shall be shipped or put on board according to the directions of this act, at any port, creek, or member of any port, in Great Britain, to be landed or discharged at any other port or place in Great Britain, without taking out any cocquet or cocquets, or giving any security, by bond or otherwise, for the delivery or discharge thereof to such port or place, subject nevertheless to the several exemptions, privosoes, rules, and regulations hereinafter mentioned. Provided that no goods, &c. prohibited to be exported from Great Britain to foreign parts; nor any goods, &c. liable to any duty or return of premium or bounty, or entitled to any allowance for waste on exportation thereof, or on being carried coastwise; nor any goods, &c. warehoused upon importation, on payment of a certain duty, and after-

wards carried coastwise for the purpose of exportation; nor any goods, &c. liable to duty of customs on importation into, or on exportation from Great Britain, unless the amount of such duty, or the whole of the cargo so to be carried coastwise, shall not exceed 5l.; shall be allowed to be removed, or carried coastwise, in any ship, vessel, boat, or hoy, from any port or creek in England, Wales, or town of Berwick, until the master or commander thereof shall have taken out a cocquet, and become bound to the king for the delivery and discharge of such goods, &c. in the like manner as was required by the law before the passing of this act; or to be shipped on board any ship, vessel, boat, or hoy, for the purpose of being carried coastwise to any part of Great Britain, until the master or commander thereof shall have obtained a sufferance, warrant, or permit, for shipping the same, and become bound to his majesty in the value of the goods, &c. for the due landing of the same; and also (the dangers of the seas excepted) for returning a certificate of their being landed from the officer of the customs of the port or creek where the same shall be landed and discharged, within six months after the date of such sufferance, warrant, or permit, to his majesty's officers of the customs to whom such security hath been given as aforesaid.

All goods, &c. pursuant to this act allowed to be carried coastwise without cocquet or bond, must be shipped on board vessels, boats, hoes, &c. British built, owned by British subjects, and navigated according to law, and may be carried to sea by *transire* or let pass only, and may be removed in like manner, the same being indorsed in manner hereinafter directed: provided always, that nothing in this act contained shall extend to require any transire or let pass in any case where the ship or vessel does not go to open sea, or where cocquet and bond, or transire or let pass, were not required by law, on and immediately before the 1st of March 1792. S. 2.

No goods, &c. laden on board at any port or creek in Scotland, by sufferance, warrant, or permit, and without cocquet and bond, or without cocquet, shall be carried, conveyed, or removed out of or from any port or creek in Scotland, without such sufferance, warrant, or permit accompanying the same, and a certificate of the shipping officer or officers indorsed thereon,

thereon, certifying the particulars of the goods, &c. which were shipped on board by virtue thereof. S. 5.

If the master or commander of any ship, vessel, boat, or hoy, on board of which any goods shall be shipped, in order to be carried coastwise within Great Britain, shall proceed coastwise in England, Wales, or town of Berwick, without a coquet, transire, or let pass, or in Scotland without a sufferance, warrant, or permit, indorsed as herein directed, in the cases in which the same are respectively required, every such master or commander shall, for every such offence, forfeit 50*l*. S. 4.

If any goods brought into Great Britain by coquet, transire, or let pass, or into Scotland by sufferance, warrant, or permit, indorsed as herein required, shall, from the 5th of July 1792, be unshipped to be landed or put on shore, before such coquet, transire, or let pass, or such sufferance, warrant, or permit, indorsed as aforesaid respectively, shall be delivered to the customer or collector, or comptroller, for the landing or discharging thereof, the master of such vessel, hoy, &c. shall forfeit the value of such goods, &c.; or if any goods of foreign growth, production, or manufacture shall, on coming coastwise, be landed without the presence of an officer of the customs, all such goods, &c. or the value thereof, shall be forfeited. S. 5.

Persons counterfeiting coquets, or erasing or falsifying any sufferance, warrant, coquet, transire, let pass, certificate, or permit, or any other custom-house warrant, document, or instrument, or any indorsement thereon, by this act required, shall forfeit 200*l*. and such sufferance, &c. shall be respectively null and void. S. 6.

If after the shipping of any goods, &c. to be carried coastwise, and after the goods shall have been shipped, and the coquet, transire, let pass, &c. shall have been delivered to the master, it shall be found by any officer, on examination thereof, that the goods, &c. shipped on board shall exceed in quantity the particulars of the goods, &c. expressed in the coquet, &c. or other coast document, or on the indorsement to be made upon any sufferance, warrant, or permit, all such goods, &c. as shall exceed the quantity so authorized to be carried coastwise, shall be forfeited and lost. S. 7.

If it appears to the commissioners of the customs, that such excess has arisen by mistake, and without intention of fraud; the commissioners may wave the forfeiture without any reward or satisfaction to the seizing officer. S. 8.

No officer of the customs to suffer any ship, vessel, &c. to clear out coastwise from any port or place whatever in Great Britain, until the master or commander thereof shall give security to his majesty in the penalty of 100*l*. with condition that such master or commander will not, at any time thereafter, land, or cause to be landed, any goods in any part of this kingdom, in any manner which is or shall be prohibited by law, or take the same on board in order to their being so landed, nor be any ways concerned, or aiding or assisting in fraudulently importing, unshipping, or landing the same; and will not hinder, molest, or oppose any of his majesty's officers of the customs or excise, or any other person or persons assisting them, or either of them, in the due execution of their respective offices or employments; and no such bond shall be charged with any stamp duties, nor shall any fee, gratuity, or perquisite be paid or taken, or any charge made by any person or persons whatever for or on account of such bond. S. 9. See *Customs, Seamen, Importation, Exportation*.

COCKET, an instrument given to merchants to signify that their merchandizes are customed. See *Custom House*.

COCHIN-CHINA, a kingdom of Asia, bounded on the east and south by the China sea, on the north by Tonquin, and on the west by Cambodia. Its productions are sugar, silk, ebony, pepper, varnish-wood, indigo, tea, sassafras, and cotton; besides a considerable quantity of gold, which is exported in dust and in bars; and this is the only place where the valuable aromatic calamba-wood grows. They also export copper and porcelain brought from China and Japan.

COFFEE. See *Excise, Exportation, Importation*.

COGNOVIT, is an acknowledgment by a defendant, or confession that the plaintiff's cause of action is just, and who, to save law expences, suffers judgment to be entered against him; in this case the confession generally extends to no more than is contained in the declaration, with costs.

COIN, metallic money, struck with a mark, effigy, or inscription,

inscription, from which its weight, title, and value are known. Money and coins differ from each other in signification, as the genus does from the species, as many different sorts of material may be employed and pass as money, though coined metallic money, when properly made, differs in this, that if the material of which it is composed were melted into any other form, still it would preserve the same value, or very nearly so.

The theory of coining, and the manner of adjusting the value of the material to the nominal value of the coin, will come in more appropriately under the article *Money*, for which also see the *Laws and Regulations*.

The following table shews the relative state of the coins now in use in different nations, the great utility of knowing which will be more evident from inspecting the article *Exchange*.

## GENERAL TABLE

OF THE

### REAL AND IMAGINARY MONIES OF DIFFERENT PARTS,

*Whether Towns, Counties, Provinces, or Islands.*

The mark † implies that the money is imaginary, and that no such coin exists.

#### ENGLAND AND SCOTLAND.

		£.	s.	d.
A farthing	- - - -	0	0	0 $\frac{1}{4}$
2 farthings	= a halfpenny	0	0	0 $\frac{1}{2}$
2 halfpence	a penny	0	0	1
4 pence	a groat	0	0	4
6 pence	a half shilling	0	0	6
12 pence	a shilling	0	1	0
5 shillings	a crown	0	5	0
20 shillings	a pound sterling	1	0	0
21 shillings	a guinea	1	1	0

#### IRELAND.

		0	0	0 $\frac{1}{4}$
A farthing	- - - -	0	0	0 $\frac{1}{4}$
2 farthings	= a halfpenny	0	0	0 $\frac{1}{2}$
2 halfpence	a penny	0	0	0 $\frac{1}{2}$
6 $\frac{1}{2}$ pence	a half shilling	0	0	6
12 pence	a shilling Irish	0	0	11 $\frac{3}{4}$
13 pence	a shilling	0	1	0
65 pence	a crown	0	5	0
20 shillings	a pound Irish	0	18	5 $\frac{1}{2}$
22 $\frac{1}{2}$ shillings	a guinea	1	1	0

#### FRENCH REPUBLIC.

The current coins of France are the double louis (gold), the louis (gold), the piece of six livres (silver), that of three livres, the ecu (silver), twenty-four sols piece (silver), the twelve sols piece (silver), the six sols piece (silver), the large or double sol (of copper), the sol (of copper), and the half and quarter sol, or pieces of two and one liard. There are also ancient pieces made of copper and silver, denominated pieces of six liards, value one sol and a half.

According to the new system, an attempt has been made, with partial success, to introduce the following currency. The denomination of livre has been changed into that of franc, with an alteration, in the small proportion of only three pence to the louis. The franc is then assumed as the basis or unite of all their computations; and all values are reckoned upwards by tens, hundreds, and thousands of francs, and downwards by tenth parts and hundredth parts of francs.

Some coins have been put into circulation agreeably to this new system, viz. in silver pieces of 5

Z 2

francs,

francs, in pieces of 30 sols, being the fourth of the franc, and in pieces of 15 sols, being the eighth of the franc; in copper pieces of 5 centimes (five hundredths) equal to the old sol, and of 10 centimes (ten hundredths) or one decime, equal to the double sol.

*Value of the Coinage of both Nations.*

As a primary principle, the traveller must recollect, that whenever the course of exchange between the two countries is at par, the French louis is to be considered as of equal value to the English pound sterling.

*Existing English Coins.*

*French Value.*

The guinea	is equal to	{ One louis and one 24 sols piece.
The crown piece	—	The six livre piece.
The half-crown	—	The three livre piece.
The shilling	—	The 24 sols piece.
The sixpence	—	The 12 sols piece.
The penny	—	The double sol.
The halfpenny	—	The sol.
The farthing	—	The deux liards.

*Existing French Coins.*

*English Value.*

The louis, containing 24 livres or francs,	—	One pound sterling.
The six livre piece	—	Five shillings.
The five franc piece	—	{ Four shillings and two pence.
The livre piece	—	Half-crown.
The 30 sol piece	—	Fifteen pence.
The 24 sol piece	—	One shilling.
The 15 sol piece	—	Seven pence halfpenny.
The 12 sol piece	—	Six pence.
The 6 sol piece	—	Three pence.
The double sol	—	A penny.
The 6 liard piece	—	Three farthings.
The sol	—	One halfpenny.
The two liard piece	—	One farthing.
The liard	—	Half a farthing.

The livre or franc is a nominal value, equal to ten pence English. The tenth part of a franc is called a decime, and the hundredth part of a franc is called a centime.

FLANDERS and BRABANT.

		£.	s.	d.
A pening	- - - - -	0	0	0 $\frac{1}{2}$ $\frac{3}{4}$
4 penings	= an urche	0	0	0 $\frac{2}{3}$ $\frac{1}{2}$
8 penings	† a grote	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
2 grotes	a petard	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
6 petards	† a scalin	0	0	5 $\frac{3}{4}$
7 petards	a scalin	0	0	6 $\frac{3}{4}$
40 grotes	† a florin	0	1	6
17 $\frac{1}{2}$ scalins	a ducat	0	9	3
240 grotes	† a pound flem	0	9	0

HOLLAND and ZEALAND.

† pening	- - - - -	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{4}$
8 penings	= a grote	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
2 grotes	a stiver	0	0	1 $\frac{1}{2}$ $\frac{1}{2}$
6 stivers	a scalin	0	0	6 $\frac{1}{2}$ $\frac{1}{2}$
20 stivers	a guilden	0	1	9
50 stivers	a rix dollar	0	4	4 $\frac{1}{2}$
60 stivers	a dry guilden	0	5	3
105 stivers	a ducat	0	9	3
6 guilders	† a pound flem.	0	10	6

HAMBURGH.

† A trying	- - - - -	0	0	0 $\frac{1}{11}$ $\frac{1}{8}$
2 tryings	= † a sexling	0	0	0 $\frac{1}{2}$ $\frac{1}{4}$
2 sexlings	a fenig	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
12 fenings	a shilling lub	0	0	1 $\frac{1}{2}$
16 shillings	† a marc	0	1	6
2 marcs	a slet dollar	0	3	0
3 marcs	a rix dollar	0	4	6
6 $\frac{1}{2}$ marcs	a ducat	0	9	4 $\frac{1}{2}$
120 shillings	† a pound flem	0	11	3

HANOVER.

† A fenig	- - - - -	0	0	0 $\frac{1}{18}$ $\frac{1}{4}$
3 fenings	= a dreycr	0	0	0 $\frac{1}{2}$ $\frac{1}{8}$
8 fenings	a marien	0	0	1 $\frac{1}{2}$ $\frac{1}{2}$
12 fenings	a grosh	0	0	1 $\frac{1}{2}$ $\frac{1}{4}$
8 groshen	a half gulden	0	1	2
16 groshen	a gulden	0	2	4
24 groshen	† a rix dollar	0	3	6
32 groshen	a double gulden	0	4	8
4 gulden	a ducat	0	9	2



## SAXONY and HOLSTEIN.

		£.	s.	d.
† An heller	- - - -	0	0	0 $\frac{7}{8}$
2 hellers	= a fening	0	0	0 $\frac{1}{8}$
6 hellers	a dreyer	0	0	0 $\frac{1}{6}$
16 hellers	a marila	0	0	1 $\frac{1}{6}$
12 fenings	a grosh	0	0	1 $\frac{1}{2}$
16 groshen	a gould	0	2	4
24 groshen	† a rix dollar	0	3	6
32 groshen	a specie dollar	0	4	8
4 goulds	a ducat	0	9	4

## BRANDENBURGH and POMERANIA.

† A denier	- - - -	0	0	0 $\frac{7}{8}$
9 deniers	= a polchen	0	0	0 $\frac{1}{8}$
18 deniers	a grosh	0	0	0 $\frac{1}{4}$
3 polchens	an abress	0	0	0 $\frac{1}{2}$
20 groshen	† a marc	0	0	9 $\frac{1}{4}$
30 groshen	a florin	0	1	2
90 groshen	† a rix dollar	0	3	6
108 groshen	an albertus	0	4	2
8 florins	a ducat	0	9	4

## COLOGN.

A dute	- - - -	0	0	0 $\frac{7}{8}$
3 dutes	= a cruitzer	0	0	0 $\frac{1}{8}$
2 cruitzers	an albus	0	0	0 $\frac{1}{4}$
8 dutes	a stiver	0	0	0 $\frac{7}{8}$
3 stivers	a plapert	0	0	2 $\frac{1}{8}$
4 plaperts	a copstuck	0	0	8 $\frac{1}{2}$
40 stivers	a guilder	0	2	4
2 guilders	a hard dollar	0	4	8
4 guilders	a ducat	0	9	4

## BOHEMIA, SILESIA, and HUNGARY.

A fening	- - - -	0	0	0 $\frac{7}{8}$
2 fenings	= a dreyer	0	0	0 $\frac{1}{8}$
3 fenings	a grosh	0	0	0 $\frac{1}{4}$
4 fenings	a cruitzer	0	0	0 $\frac{1}{2}$
2 cruitzers	a white grosh	0	0	0 $\frac{1}{4}$
60 cruitzers	a gould	0	2	4
90 cruitzers	† a rix dollar	0	3	6
2 goulds	a hard dollar	0	4	8
4 goulds	a ducat	0	9	4

## AUSTRIA and SUABIA.

		£.	s.	d.
A fening	- - - -	0	0	0 $\frac{7}{8}$
2 fenings	= a dreyer	0	0	0 $\frac{1}{8}$
4 fenings	a cruitzer	0	0	0 $\frac{1}{4}$
14 fenings	a grosh	0	0	1 $\frac{1}{2}$
4 cruitzers	a batzen	0	0	1 $\frac{1}{4}$
15 batzen	a gould	0	2	4
90 cruitzers	† a rix dollar	0	3	6
30 batzen	a specie dollar	0	4	8
60 batzen	a ducat	0	9	4

## FRANCONIA.

A fening	- - - -	0	0	0 $\frac{7}{8}$
4 fenings	= a cruitzer	0	0	0 $\frac{1}{8}$
3 cruitzers	a keyser grosh	0	0	1 $\frac{1}{2}$
4 cruitzers	a batzen	0	0	1 $\frac{1}{4}$
15 cruitzers	an ort gould	0	0	7
60 cruitzers	a gould	0	2	4
90 cruitzers	† a rix dollar	0	3	6
2 goulds	a hard dollar	0	4	8
240 cruitzers	a ducat	0	9	4

## POLAND and PRUSSIA.

A shelon	- - - -	0	0	0 $\frac{7}{8}$
3 shelons	= a grosh	0	0	0 $\frac{1}{8}$
5 groshen	a caustic	0	0	2 $\frac{1}{2}$
3 caustics	a tinse	0	0	7
18 groshen	an ort	0	0	8 $\frac{1}{2}$
30 groshen	a florin	0	1	2
90 groshen	† a rix dollar	0	3	6
8 florins	a ducat	0	9	4
5 rix dollars	a Frederic d'or	0	17	6

## LIVONIA.

A blacken	- - - -	0	0	0 $\frac{7}{8}$
6 blackens	= a grosh	0	0	0 $\frac{1}{8}$
9 blackens	a vording	0	0	0 $\frac{1}{4}$
2 groshen	a whiten	0	0	0 $\frac{1}{2}$
6 groshen	a marc	0	0	2 $\frac{1}{2}$
30 groshen	a florin	0	1	2
90 groshen	† a rix dollar	0	3	6
108 groshen	an albertus	0	4	2 $\frac{1}{2}$
64 whitens	acopper-plate dollar	0	5	0

## DENMARK, ZEALAND, and NORWAY.

			℥.	s.	d.
A skilling	-	t	-	-	0 0 0 $\frac{2}{5}$
6 skillings	=	a duggen	0	0	3 $\frac{1}{2}$
16 skillings		a marc	0	0	9
20 skillings		a rix marc	0	0	11 $\frac{1}{4}$
24 skillings		a rix ort	0	1	1 $\frac{1}{4}$
4 marcs		a crown	0	3	0
6 marcs		a rix dollar	0	4	6
11 marcs		a ducat	0	8	3
14 marcs		a shatt ducat	0	10	6

## SWEDEN and LAPLAND.

† A runstick	-	-	-	-	0 0 0 $\frac{7}{8}$
2 runsticks	=	a stiver	0	0	0 $\frac{7}{8}$
8 runsticks		a copper marc	0	0	1 $\frac{1}{2}$
3 copper marcs		a silver marc	0	0	4 $\frac{1}{2}$
4 copper marcs		a copper dollar	0	0	6 $\frac{1}{2}$
9 copper marcs		a Caroline	0	1	2
3 copper dollars		a silver dollar	0	1	6 $\frac{1}{2}$
3 silver dollars		a rix dollar	0	4	8
2 rix dollars		a ducat	0	9	4

## RUSSIA and MUSCOVY.

A polusca	-	-	-	-	0 0 0 $\frac{3}{10}$
2 poluscas	=	a denusca	0	0	0 $\frac{3}{10}$
2 denuscas		† a copec	0	0	0 $\frac{3}{5}$
3 copecs		an altin	0	0	1 $\frac{1}{5}$
10 copecs		a grievene	0	0	5 $\frac{1}{2}$
25 copecs		a polpofin	0	1	1 $\frac{1}{2}$
50 copecs		a poltin	0	2	3
100 copecs		a ruble	0	4	6
2 rubles		a xervonitz	0	9	0

## BASIL.

A rap	-	-	-	-	0 0 0 $\frac{1}{12}$
3 rapen	=	a fenig	0	0	0 $\frac{1}{3}$
4 fenings		a cruitzer	0	0	0 $\frac{1}{3}$
12 fenings		† a sol	0	0	1 $\frac{1}{2}$
15 fenings		a coarse batzen	0	0	1 $\frac{2}{5}$
18 fenings		a good batzen	0	0	2 $\frac{1}{4}$
20 sols		† a livre	0	2	6
60 cruitzers		a gulden	0	2	6
108 cruitzers		a rix dollar	0	4	6

## ST. GAUL.

			℥.	s.	d.
An heller	-	-	-	-	0 0 0 $\frac{1}{15}$
2 hellers	=	a fenig	0	0	0 $\frac{1}{5}$
4 fenings		a cruitzer	0	0	0 $\frac{1}{5}$
12 fenings		† a sol	0	0	0 $\frac{1}{3}$
4 cruitzers		a coarse batzen	0	0	2
5 cruitzers		a good batzen	0	0	2 $\frac{1}{2}$
20 sols		† a livre	0	2	6
60 cruitzers		a gould	0	2	6
120 cruitzers		a rix dollar	0	4	3

## BERN.

A denier	-	-	-	-	0 0 0 0 $\frac{1}{8}$
4 deniers	=	a cruitzer	0	0	0 $\frac{1}{2}$
3 cruitzers		† a sol	0	0	1 $\frac{1}{2}$
4 cruitzers		a plapert	0	0	1 $\frac{1}{2}$
5 cruitzers		a grog	0	0	2
6 cruitzers		a batzen	0	0	2 $\frac{1}{2}$
20 sols		† a livre	0	2	0
75 cruitzers		a gulden	0	2	6
135 cruitzers		a crown	0	4	6

## GENEVA.

A denier	-	-	-	-	0 0 0 $\frac{1}{3}$
2 deniers	=	a denier current	0	0	0 $\frac{1}{6}$
12 deniers		a small sol	0	0	0 $\frac{1}{2}$
12 deniers current		a sol current	0	0	0 $\frac{1}{2}$
12 small sols		† a florin	0	0	4 $\frac{1}{2}$
20 sols current		† a livre current	0	1	3
10 $\frac{1}{2}$ florins		a patacon	0	3	11 $\frac{1}{2}$
15 $\frac{1}{2}$ florins		a croisade	0	5	10 $\frac{1}{2}$
24 florins		a ducat	0	9	0

## LISLE, CAMBRAY, VALENCIENNES, &amp;c.

A denier	-	-	-	-	0 0 0 0 $\frac{1}{12}$
12 deniers	=	a sol	0	0	0 $\frac{1}{2}$
15 deniers		† a petard	0	0	0 $\frac{1}{2}$
15 potards		† a piette	0	0	0 $\frac{1}{2}$
20 sols		† a livre tournois	0	0	10
20 potards		† a florin	0	1	0 $\frac{1}{2}$
60 sols		an ecu of ex.	0	2	6
10 $\frac{1}{2}$ livres		a ducat	0	9	3
24 livres		a louis d'or	1	0	0

## DUNKIRK, St. OMER's, St. QUINTIN, &amp;c.

		£.	s.	d.
A denier	- - -	0	0	$0\frac{1}{4}$
12 deniers	= a sol	0	0	$0\frac{1}{2}$
15 deniers	† a pitard	0	0	$0\frac{3}{8}$
15 sols	† a piette	0	0	$7\frac{1}{2}$
20 sols	† a livre tournois	0	0	10
3 livres	an ecu of ex.	0	2	6
24 livres	a louis d'or	1	0	0
$25\frac{1}{2}$ livres	a guinea	1	1	0
$32\frac{1}{2}$ livres	a moeda	1	7	0

## PORTUGAL.

† A re	- - -	0	0	$0\frac{1}{4}\frac{1}{8}$
10 rez	= a half vintin	0	0	$0\frac{1}{2}\frac{1}{8}$
20 rez	a vintin	0	0	$1\frac{1}{4}\frac{1}{8}$
5 vintins	a testoon	0	0	$6\frac{1}{2}$
4 testoons	a crusade of ex.	0	2	3
24 vintins	a new crusade	0	2	$8\frac{1}{2}$
10 testoons	† a milre	0	5	$7\frac{1}{2}$
48 testoons	a moeda	1	7	0
64 testoons	a joanese	1	16	0

## MADRID, CADIZ, SEVILLE, and NEWPLATE.

A maravedie	- - -	0	0	$0\frac{1}{2}\frac{1}{8}$
2 maravedies	= a quartil	0	0	$0\frac{1}{4}\frac{1}{8}$
34 maravedies	a rial	0	0	$5\frac{1}{2}$
2 rials	a pistarine	0	0	$10\frac{3}{4}$
8 rials	† a piastre of ex.	0	3	7
10 rials	a dollar	0	4	6
375 maravedies	† a ducat of ex.	0	4	$11\frac{1}{2}$
32 rials	† a pistole of ex.	0	14	4
36 rials	a pistole	0	16	9

## GIBRALTAR, MALAGA, DENIA and VELON.

† A maravedie	- - -	0	0	$0\frac{1}{2}\frac{1}{8}$
2 maravedies	= an ochavo	0	0	$0\frac{1}{4}\frac{1}{8}$
4 maravedies	a quartil	0	0	$0\frac{1}{2}\frac{1}{8}$
34 maravedies	† a rial velon	0	0	$2\frac{1}{2}$
15 rials	† a piastre of ex.	0	3	7
512 maravedies	a piastre	0	3	7
60 rials	† a pistole of ex.	0	14	4
2048 maravedies	a pistole of ex.	0	16	9
78 rials	a pistole	0	16	9

BARCELONA, SARAGOSSA, VALENCIA, and  
OLDPLATE.

		£.	s.	d.
A maravedie	- - -	0	0	$0\frac{1}{2}\frac{1}{8}$
16 maravedies	= a soldo	0	0	$3\frac{1}{2}$
2 soldos	a rial Oldplate	0	0	$6\frac{1}{2}$
20 soldos	† a libra	0	5	$7\frac{1}{2}$
24 soldos	† a ducat	0	6	9
16 soldos	† a dollar	0	4	6
22 soldos	† a ducat	0	6	$2\frac{1}{2}$
21 soldos	† a ducat	0	5	$10\frac{1}{4}$
60 soldos	a pistole	0	16	9

## GENOA.

A denari	- - -	0	0	$0\frac{1}{4}\frac{1}{8}$
12 denari	= a soldi	0	0	$0\frac{1}{2}\frac{1}{8}$
4 soldi	a chevalet	0	0	$1\frac{1}{2}$
20 soldi	† a lire	0	0	$8\frac{1}{2}$
30 soldi	a festoon	0	1	$0\frac{1}{8}$
5 lires	a croisade	0	3	7
115 soldi	† a pezzo of ex.	0	4	2
6 festoons	a genouine	0	6	2
20 lires	a pistole	0	14	4

## PIEDMONT, SAVOY, and SARDINIA.

A denari	- - -	0	0	$0\frac{1}{4}\frac{1}{8}$
3 denari	= a quartrini	0	0	$0\frac{1}{4}\frac{1}{8}$
12 denari	a soldi	0	0	$0\frac{1}{2}$
12 soldi	† a florine	0	0	9
20 soldi	† a lire	0	1	3
6 florins	a scudi	0	4	6
7 florins	a ducatoon	0	5	3
13 livres	a pistole	0	16	3
16 livres	a louis d'or	1	0	0

## MILAN, MODENA, PARMA, PAVIA, &amp;c.

A denari	- - -	0	0	$0\frac{1}{4}\frac{1}{8}$
3 denari	= a quartrini	0	0	$0\frac{1}{4}\frac{1}{8}$
12 denari	a soldi	0	0	$0\frac{1}{2}$
20 soldi	† a lire	0	0	$8\frac{1}{2}$
115 soldi	a scudi of current	0	4	$2\frac{1}{2}$
117 soldi	† a scudi of ex.	0	4	3
6 lires	a Philip	0	4	$4\frac{1}{2}$
22 lires	a pistole	0	16	0
23 lires	a Spanish pistole	0	16	9

## LEGHORN, FLORENCE, &amp;c.

			℥.	s.	d.
A denari	-	-	0	0	$0\frac{1}{12}$
4 denari	=	a quatrini	0	0	$0\frac{1}{3}$
12 denari	-	a soldi	0	0	$0\frac{1}{3}$
5 quatrini	-	a craca	0	0	$0\frac{1}{3}$
8 cracas	-	a quilts	0	0	$5\frac{1}{2}$
20 soldi	†	a lire	0	0	$8\frac{1}{2}$
6 lires	-	a piastre of ex.	0	4	2
$7\frac{1}{2}$ lires	-	a ducat	0	5	$2\frac{1}{2}$
22 lires	-	a pistole	0	15	6

## ROME.

A quatrini	-	-	0	0	$0\frac{1}{12}$
5 quatrini	=	a bayoe	0	0	$0\frac{1}{4}$
8 bayoes	-	a julio	0	0	6
10 bayoes	-	a stamp julio	0	0	$7\frac{1}{2}$
24 bayoes	-	a festoon	0	1	6
10 julios	-	a crown current	0	5	0
12 julios	†	a crown stamp	0	6	0
18 julios	-	a chequin	0	9	0
31 julios	-	a pistole	0	15	6

## NAPLES.

A quatrini	-	-	0	0	$0\frac{1}{12}$
3 quatrini	=	a grain	0	0	$0\frac{1}{2}$
10 grains	-	a carlin	0	0	4
40 quatrini	-	a paulo	0	0	$5\frac{1}{2}$
20 grains	-	a tarin	0	0	8
40 grains	-	a testoon	0	1	4
100 grains	-	a ducat of ex.	0	3	4
23 tarins	-	a pistole	0	15	4
25 tarins	-	a Spanish pistole	1	16	9

## SCICILY and MALTA.

A pachili	-	-	0	0	$0\frac{1}{10}$
6 picchili	=	a grain	0	0	$0\frac{1}{10}$
8 picchili	-	a ponti	0	0	$0\frac{1}{10}$
10 grains	-	a carlin	0	0	$1\frac{1}{10}$
20 grains	-	a tarin	0	0	$3\frac{1}{10}$
6 tarins	†	a florin of ex.	0	1	$6\frac{1}{10}$
13 tarins	-	a ducat of ex.	0	3	4
60 carlins	†	a ounce	0	7	$8\frac{1}{10}$
2 ounces	-	a pistole	0	15	4

## BOLOGNA, RAVENNA, &amp;c.

			℥.	s.	d.
A quatrini	-	-	0	0	$0\frac{1}{12}$
6 quatrini	=	a bayoe	0	0	$0\frac{1}{3}$
10 bayoes	†	a julio	0	0	6
20 bayoes	†	a lire	0	1	0
3 julios	-	a testoon	0	1	6
80 bayoes	-	a schudi of ex.	0	4	3
105 bayoes	-	a ducatoon	0	5	3
100 bayoes	-	a crown	0	5	0
31 julios	-	a pistole	0	15	6

## VENICE.

A picoli	-	-	0	0	$0\frac{1}{12}$
12 picoli	=	a soldi	0	0	$0\frac{1}{3}$
$6\frac{1}{2}$ soldi	†	a gros	0	0	$2\frac{1}{2}$
18 soldi	-	a jule	0	0	6
20 soldi	†	a lire	0	0	$6\frac{1}{2}$
3 jules	-	a testoon	0	1	6
124 soldi	-	a ducat current	0	3	$5\frac{1}{2}$
24 gros	†	a ducat of ex.	0	4	4
17 lires	-	a chequin	0	9	2

## TURKEY.

A mangar	-	-	0	0	$0\frac{1}{12}$
4 mangars	†	an asper	0	0	$0\frac{1}{2}$
3 aspers	-	a parac	0	0	$1\frac{1}{2}$
5 aspers	-	a bestic	0	0	3
10 aspers	-	an ostic	0	0	6
20 aspers	-	a solota	0	1	0
80 aspers	-	a piastre	0	4	0
100 aspers	-	a caragrouch	0	5	0
10 solotas	-	a xeriff	0	10	0

## ARABIA.

A carret	-	-	0	0	$0\frac{1}{10}$
$5\frac{1}{2}$ carrets	=	a caveer	0	0	$0\frac{1}{10}$
7 carrets	-	a comashee	0	0	$0\frac{1}{10}$
80 carrets	-	a larin	0	0	$10\frac{1}{10}$
18 comashees	-	an abyss	0	1	$4\frac{1}{10}$
60 comashees	†	a piastre	0	4	6
80 caveers	-	a dollar	0	4	6
100 comashees	-	a sequin	0	7	6
80 larins	†	a tomond	3	7	6

## PERSIA.



## COI

## PERSIA.

		£.	s.	d.
A coz	- - - -	0	0	0 $\frac{1}{2}$
4 coz	= a bisti	0	0	1 $\frac{1}{2}$
10 coz	a shahee	0	0	4
20 coz	a mamoodi	0	0	8
25 coz	a larin	0	0	10
4 shahees	an abashee	0	1	4
5 abashees	an oe	0	8	6
12 abashees	a bovello	0	16	0
50 abashees	† a tomond	3	6	8

## GUZZURAT.

A pecka	- - - -	0	0	0 $\frac{1}{2}$ $\frac{5}{8}$
2 peckas	= a pice	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
4 pices	a fanam	0	0	1 $\frac{1}{4}$
5 pices	a viz	0	0	2 $\frac{1}{2}$ $\frac{1}{2}$
10 pices	an ana	0	0	7 $\frac{1}{2}$
4 anas	a rupee	0	2	6
2 rupees	an English crown	0	5	0
14 anas	a pagoda	0	8	9
4 pagodas	a gold rupee	1	15	0

## BOMBAY, DABUL, &amp;c.

† A budgrook	- - - -	0	0	0 $\frac{2}{3}$ $\frac{7}{8}$
2 budgrooks	= † a re	0	0	0 $\frac{2}{3}$ $\frac{7}{8}$
5 rez	a pice	0	0	0 $\frac{1}{2}$ $\frac{7}{8}$
16 pices	a laree	0	0	5 $\frac{1}{2}$
20 pices	a quarter	0	0	6 $\frac{1}{2}$
240 rez	a xeraphim	0	1	4 $\frac{1}{2}$
4 quarters	a rupee	0	2	3
14 quarters	a pagoda	0	8	0
60 quarters	a gold rupee	1	15	0

## GOA, VIZAPOUR, &amp;c.

† A re	- - - -	0	0	0 $\frac{2}{3}$ $\frac{7}{8}$
2 rez	= a bazaraco	0	0	0 $\frac{2}{3}$ $\frac{7}{8}$
2 bazaracos	a pecka	0	0	0 $\frac{1}{2}$ $\frac{7}{8}$
20 rez	a vinta	0	0	1 $\frac{1}{2}$ $\frac{7}{8}$
4 vintins	a laree	0	0	5 $\frac{1}{2}$
3 larees	a xeraphim	0	1	4 $\frac{1}{2}$
42 vintins	a tangu	0	4	6
4 tangus	a paru	0	18	0
8 tangus	a gold rupee	1	15	0

## COI

## COROMANDEL.

		£.	s.	d.
A cash	- - - -	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
5 cash	= a viz	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
2 viz	a pice	0	0	0 $\frac{1}{2}$
6 pices	a pical	0	0	2 $\frac{1}{4}$
8 pices	a fanam	0	0	3
10 fanams	a rupee	0	2	6
2 rupees	an English crown	0	5	0
36 fanams	a pagoda	0	8	9
4 pagodas	a gold rupee	1	15	0

## BENGAL.

A pice	- - - -	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
4 pices	= a fanam	0	0	0 $\frac{1}{2}$
6 pices	a viz	0	0	0 $\frac{1}{2}$ $\frac{1}{2}$
12 pices	an ana	0	0	1 $\frac{1}{2}$
10 anas	a fiano	0	1	6 $\frac{1}{2}$
16 anas	a rupee	0	2	6
2 rupees	a pench ecu	0	5	0
2 rupees	an English crown	0	5	0
56 anas	a pagoda	0	8	9

## SIAM.

A cori	- - - -	0	0	0 $\frac{2}{3}$ $\frac{7}{8}$
800 cori	= a fettee	0	0	0 $\frac{1}{3}$ $\frac{1}{2}$
125 fettees	a salateer	0	0	7 $\frac{1}{2}$
250 fettees	a sooca	0	1	3
500 fettees	a tutal	0	2	6
900 fettees	a dollar	0	4	6
2 ficals	a rial	0	5	0
4 soocas	an ecu	0	5	0
8 satcleers	a crown	0	5	0

## CHINA.

A caxa	- - - -	0	0	0 $\frac{2}{3}$ $\frac{7}{8}$
10 caxa	= a candareen	0	0	0 $\frac{1}{2}$
10 candareens	a mace	0	0	8
35 candareens	a rupee	0	2	6
2 rupees	a dollar	0	4	6
70 candareens	a rix dollar	0	4	4 $\frac{1}{2}$
7 maces	an ecu	0	5	0
2 rupees	a crown	0	5	0
10 maces	† a tale	0	6	8

# COI

## JAPAN.

			£.	s.	d.
A piti	- - - - -		0	0	0 $\frac{1}{2}$
20 pitas	=	a mace	0	0	4
15 maces		an ounce silver	0	4	10 $\frac{1}{2}$
20 maces		a tale	0	6	8
30 maces		an ingot	0	9	8 $\frac{1}{2}$
13 ounces silver		an ounce gold	3	3	6
2 ounces gold		a japanese	6	6	0
2 japaneses		a double	12	12	0
21 ounces gold	†	a cattce	66	3	0

## EGYPT.

An asper	- - - - -		0	0	0 $\frac{1}{2}$
3 aspers	=	a medin	0	0	1 $\frac{1}{2}$
24 medins		an Italian ducat	0	3	4
80 aspers	†	a piastre	0	4	0
30 medins		a dollar	0	4	6
96 aspers		an ecu	0	5	0
32 medins		a crown	0	5	0
200 aspers		a sultanin	0	10	0
70 medins		a pargo dollar	0	10	0

## BARBARY.

An asper	- - - - -		0	0	0 $\frac{1}{2}$
3 aspers	=	a medin	0	0	1 $\frac{1}{2}$
10 aspers		a rial Oldplate	0	0	6 $\frac{1}{2}$
2 rials		a double	0	1	1 $\frac{1}{2}$
4 doubles		a dollar	0	4	6
24 medins		a silver chequin	0	3	4
30 medins		a dollar	0	4	6
180 aspers		a zequin	0	8	10
15 doubles		a pistole	0	16	9

## MOROCCO.

A fluce	- - - - -		0	0	0 $\frac{1}{11}$
24 fluces	=	a blanquil	0	0	2
4 blanquils		an ounce	0	0	8
7 blanquils		an octavo	0	1	2
14 blanquils		a quarto	0	2	4
2 quartos		a medio	0	4	8
28 blanquils		a dollar	0	4	6
54 blanquils		a zequin	0	9	0
100 blanquils		a pistole	0	16	9

# COL

## AMERICA.

### Gold Coins.

	Value each.	Pure Gold.	Standard.
	Dollars.	Grains.	Grains.
Eagles	10	247 $\frac{1}{2}$	or 270
Half Eagles	5	123 $\frac{3}{8}$ , about 22s. sterl.	or 135
Quarter Eagles	2 $\frac{1}{2}$	61 $\frac{3}{8}$	or 67 $\frac{1}{2}$

### Silver Coins.

Dollars, containing	371 $\frac{1}{8}$	pure silver,	or 416
Half	—	185 $\frac{1}{16}$ , about 2s. 3d. sterl.	or 208
Quarter	—	93 $\frac{1}{16}$	or 104
Dismes	—	37 $\frac{1}{2}$ or $\frac{1}{16}$ , about 5 $\frac{1}{2}$ d. sterl.	41 $\frac{1}{2}$
Half	—	18 $\frac{1}{16}$ or $\frac{1}{32}$	or 20 $\frac{1}{2}$

### Copper Coins.

Cents,	value	$\frac{1}{100}$ of a dollar	208
Half cents		$\frac{1}{200}$ —	104

## COLLATERAL SECURITY. See Security.

**COLLECTOR** of EXCISE is an officer whose business is to inspect into the conduct of excisemen and supervisors, and to collect the duties payable within a certain extent of country, over which he travels for that purpose once every six weeks. He is also to peruse the diaries of the supervisors, and where he finds an officer complained of, is to examine him and the supervisor, and having heard both, is in the margin to write his opinion of each fact: he is also to inspect the supervisors and officers of his collection in the performance of their duties, and from the vouchers he transcribes into his book the charge on each particular person in his collection. See *Excise*.

**COLOGNE**, a large city on the left bank of the river Rhine. It carries on a considerable commerce, but principally in Rhenish wine. A very large sort of vessels, something between the form of a ship and a barge, some of them carrying 300 tons, carry on the trade between this city and several Dutch towns; but higher up the river smaller vessels only can navigate. If this city were peopled, and traded in proportion to its extent, it would be of a second rate in Europe, and although very ancient, has long been on the decay.

**COLONY** and **COLONIZATION**. A colony is a company of people transplanted from one country to another,

other, or to a distant province, to settle and cultivate or inhabit it.

There are two different sorts of colonies; those established for the purpose of peopling and cultivating a country under the power and auspices of the mother country; and the other for commercial purposes.

In illustration of these examples, this nation has industriously laboured to people and cultivate America, and is now doing the same thing in New South Wales; but the contrary policy has been used with the settlers in the East Indies, where every thing has been done to prevent Europeans from settling, or, in the language of those who have carried on contraventions on that subject, colonizing the country.

Wherever the natives of one country settle in another fully peopled, and where the manners are formed, as is the case in Asia, then what is understood by the word colonization never takes place; for if those who have emigrated return to their own country, and a new race succeeds them as in India, then it can only be called a settlement, and if they remain, by degrees they so mix and amalgamate with the inhabitants of the country, that they adopt their manners, and in one or two generations become the same as the aborigines of the country. Experience has completely proved this in such a manner, that no old country can ever be considered as a colony, however much it may be under the power and constraint of another.

The fear of colonization taking place upon the peninsula of India, or in the British territories there, is for that reason absurd and contrary to the nature of things.

Wherever mankind first established, the great and original mother country existed, and those which sprang from it were at first colonies, but as they adopted manners and governments of their own, they ceased to answer the definition, and were of consequence no longer called colonies.

England has had the honour of colonizing North America, and will long enjoy the advantage; for though the inhabitants of that country have asserted and maintained their independence, they still preserve the manners and customs of the place from whence they originally sprang, and therefore the manufactures of England are there sold in ten times greater

quantity in proportion to the inhabitants, than in any other part of the known world. A colony therefore loses its name, and the qualities from which it takes its title, the moment that those who form it assume new manners, or throw off the power and allegiance of the mother country. The history of the Phœnician and Roman colonies might be detailed, but it would be too long to enter upon in the present work.

**COMBINATIONS** are persons assembled together unlawfully with an intent to do unlawful acts, and these offences are punishable before such acts are carried into effect. *9 Rep. 57.*

By stat. 2 & 3 Edward VI. c. 15, combinations amongst victuallers, &c. to raise the price of provisions, are severely punishable, and also among merchants and tradesmen for advancing the price of their goods. *12 Mod. 248.*

And by the said statute combinations amongst artificers to raise the price of labour are also punishable, and a conspiracy of the journeymen in any trade is unlawful, though the matter about which they conspire be lawful for them to do if they had not conspired to do it. *8 Mod. 10. See Masters and Servants, Monopoly.*

**COMMANDERS or CAPTAINS** of trading ships, are such head officers as have the chief direction and command of merchantmen, as well with respect to the proper security of the cargo, as to the part of navigating the vessel.

**COMMERCE** is the exchange of what is superfluous for that which is necessary, and as, in the natural progress of things, the superfluities and wants of men have increased, commerce has gradually become more intricate and extended.

A single exchange of articles mutually wanted was the first form in which commerce was carried on, and it was transacted by the proprietors of the articles themselves without the aid of intermediate persons, or any intermediate measure of value.

As the property of men increased, and their wants multiplied, the difficulty of finding persons with whom to exchange the surplus of one man's stock against the variety of different articles he had occasion to use, rendered a general standard or measure of value necessary; for even in a very rude state of society,

cicty, the simple theorem of Euclid, that things which are equal to the same thing are also equal to one another, was understood, and money became an intermediate measure against a certain quantity of goods of whatever sort they might be. An intermediate measure, however, though it greatly facilitated transactions by way of exchange or barter, was not sufficient. An intermediate person, to whom those who had a surplus to dispose of, or who had wants to supply, might address themselves, soon became necessary, particularly when a distance of space prevented the direct communication of those to whom the articles originally belonged. These intermediate persons were called merchants from the earliest times, and the progress of things has been such, as to throw into their hands almost entirely the exchange of superfluities and wants, which is termed commerce.

The human intellect, which in every state of society is exerted, when personal interest is concerned, with a considerable degree of acuteness, soon perceived that the intermediate merchant was extremely convenient, yet that when an article passed through the hands of a merchant its price was augmented but not its value. This circumstance has kept barter, which is commerce in its simple state, at variance with regular commerce, in so far, that the proprietors of articles, whenever they found it practicable, gave the preference to barter of article for article; and when that could not be done, as the nearest step towards it, selling for money to the man who wanted the article for his own private use, or purchasing from the person who, having produced more of an article than he wanted, was induced to sell.

Commerce, then, is carried on in three different ways.

1st. By an exchange or barter of one article for another, those who produce the articles treating or negotiating directly and personally with each other.

2d. The person producing an article treating, as in the first case, directly with the person wanting it, but receiving money, and not other goods, in exchange. And,

3d. When the person producing the article and him who wants to use it have no intercourse with each other, but apply mutually to a third and inter-

mediate merchant, who buys from the one, and sells to the other.

This last species of traffic or mode of exchanging articles is that which has by way of pre-eminence received the name of commerce, which has not always increased in proportion to the wealth of a nation, although nearly so in proportion to its luxury. This has occasioned a considerable error in our ideas with respect to the wealth of the present compared with that of former times.

The articles termed necessities of life, wanted by all men, and the most part of which are produced in all parts, are easily exchanged by way of barter. Butchers and bakers may pay for almost every thing they want with bread and meat. Taylors and shoemakers may in like manner, but to a lesser extent, do the same thing; but a ribbon-weaver, a jeweller, and such like manufacturers, can never supply their wants by the barter of their productions. Such productions must go to those who want them through the regular channels of commerce.

Articles consumed in one country, and the produce of another, must also go through the regular routine. So that what is termed commerce augments or sinks in a nation in proportion as articles of this latter description are produced or consumed by those who are in the country.

Another species of commerce is when a nation becomes the intermediate channel of connection between other nations, and supplies them mutually with a part of what they want, in which case it is termed a commercial nation.

The Egyptians, Phenicians, and Carthaginians were the commercial nations of the ancient world; the Venetians, Genoese, Portuguese, Flemish, Dutch, and English, of more modern times; but of the whole, the latter alone remains enviable for the portion of it which they now enjoy, the rapid increase of which will appear from the immense augmentation to the national revenue, as proved by the receipts of the customs.

If we look to former times we shall be inclined to look on commerce as a very great blessing. Luxury gives birth to it, and for a long time they grow up and flourish together, till the day comes that luxury engenders vanity and ignorance, when commerce immediately



immediately quits her company. The Portuguese are the nation that since, by the discoveries made in navigation which changed the current of trade, have possessed the greatest share of commerce; but it did not remain in their possession above a century, when the Dutch became rivals, and outran them in the career. Britain has since gone far beyond any nation, and is, except America, the only one where commerce is on the increase.

Besides a mere carrying trade, such as the Tyrians, the Carthaginians, &c. enjoyed, Britain has manufactures at home, and colonies abroad, which give a solid foundation to its dealings; but so had the Portuguese and the Dutch, yet that did not hinder their decline.

Commerce has of late years changed the form in which it was carried on. The invention of insurance has taken away the risque of the sea, and those other hazards which rendered mercantile business precarious. Bankers and brokers of various sorts transact the business of money, sales of goods (see the articles *Bankers* and *Brokers*), &c. &c. and the merchant has only three things to find—knowledge or judgment of what business will succeed, credit and capital, and connections or correspondents.

It must be evident from what has been said, that commerce and wealth, though connected, do not bear any necessary or certain proportion amongst a people. It must farther be evident, that external commerce is not necessary to a nation in order to be wealthy, except in so far as the productions of other countries are necessary to support the degree of luxury that exists in the interior.

The old English hospitality previous to, and even during the reign of Queen Elizabeth, required little importation from foreign parts. Tea was then unknown, sugar was but little used, and beer of the country was the common beverage. The spices of the east, formerly used in such profusion at the funerals of the dead, but which practice was entirely laid aside, were not much wanted.

Our East India possessions, the West India islands, America, all either colonized or conquered by ourselves, give the chief support to our commerce. The division of labour, which has enabled us to manufacture at a cheap rate, and the long credits which our

accumulated capital enables our merchants to give, insure us customers in every country.

Commerce is now become a certain, as it always was an honourable road to wealth. It is divided by its nature into foreign and home trade, wholesale and retail. See *Barter*, *Coin*, *Money*, *Merchant*, *Factor*.

COMMISSION, is the per centage allowed by merchants and traders to their correspondents for transacting the various concerns committed to their care, and which are comprized under the following heads, viz.

- 1st. The purchase of goods.
- 2d. Sale of goods.
- 3d. Guarantee or del credere for the purchasers of goods.
- 4th. Goods in transitu.
- 5th. Delivery of goods to order.
- 6th. Effecting of insurances on ships or goods.
- 7th. Recovery of losses on goods or ships insured.
- 8th. Accepting of bills for foreign account.
- 9th. Receiving and paying of money for foreign account.

In Europe the following rates are generally allowed to be the established usage.

For the purchase of goods, 2 per cent. on the amount of the invoice.

Sale of goods, 2 per cent. on the amount of the goods sold..

Guarantee or del credere for the purchasers of goods, 2 per cent.

Goods in transitu, 1 per cent. on the value.

Delivery of goods to order, 1 per cent. on ditto.

Effecting of insurances on goods or ships,  $\frac{1}{2}$  per cent. on the amount insured.

Recovery of losses on goods or ships insured, 2 per cent. on the sum recovered.

Accepting of bills for foreign account,  $\frac{1}{2}$  per cent.

Receiving and paying of monies for foreign account,  $\frac{1}{2}$  per cent.

The above are the several rates of commission paid and charged by merchants in Europe, excepting at Gibraltar, where the commission is 5 per cent. unless otherwise agreed.

The commissions charged by merchants in Europe to their correspondents in the West Indies vary only

to those paid in Europe in the purchase and sale of goods, being  $2\frac{1}{2}$  per cent. instead of 2 per cent.

The commissions charged by merchants in the West Indies to their correspondents in Europe are the following, viz.

1st. On the sale of goods, 5 per cent.

2d. On the purchase of goods, 5 per cent.

3d. For remitting of bills, 5 per cent.

4th. Acting as attorney for the recovery of property, 6 per cent.

Although the above are the established rates, yet there are instances where less is agreed on to be charged, it being in such case a particular agreement between the merchant and his correspondent.

The rates of commission charged throughout the United States of America are the same as in the West Indies.

And from Europe to America the same as to the West Indies.

To and from the East Indies, one-half per cent. brokerage, and two and a half on the amount of sales.

Exclusive of the above, there are the following commissions charged that are not comprised under the heads already set forth.

Manufacturers pay to their factors or agents five per cent. on the amounts of the goods they sell for their account, including warehouse rent and del credere.

Husbands and brokers of ships charge five per cent. on the amount of their disburse and freight.

**COMMISSIONERS**, persons chosen for the express purpose of transacting some particular affairs, and furnished with credentials and powers, according to the extent to which they are meant to act, by him or them by whom they are named and appointed.

**COMMODITY** signifies all sorts of wares and merchandize which are supposed to be in a merchantable state.

The real value of a commodity, or of any thing, is what it costs to the man who wants to acquire it, and that is regulated by the quantity of labour, risk, &c. necessary to its production. A fish, for example, derives its natural value from the trouble and time that is employed to catch it. The precious metals, which are the measure of all other values, are

regulated in their price by the time and labour which it requires to discover them, and to bring them to market in a perfect state. If gold and silver, for example, were estimated either by colour, durability, weight, or utility, there would not be the difference between them of twenty to one that there is at this day. In like manner what is called the intrinsic value of a commodity, whatever its denomination may be, is estimated by what it costs to produce it. There is, however, an artificial and temporary price occasionally given to commodities of different sorts that varies greatly from their real value. The quantity wanted at any particular time in the market compared with the quantity that is to be disposed of, occasions a rise or fall to a certain extent. The intrinsic value, however, is the centre around which the price of an article may be properly said to revolve. When it rises too high, then the production is encouraged, which augments the quantity produced; and on the contrary, when it falls too low, the production is discouraged, and the quantity diminished; hence the market, in either case, comes back nearly to its level.

It follows from this, that a rise in the price of labour occasions a rise in the price of every commodity that labour produces. This is now become a more important subject than at any former time, for which see *Prices*.

**COMMITTEE**, a number of persons formed in a temporary way into a body, to whom the investigation or management of some affair or affairs is delegated by those to whom of right the investigation or management belongs.

A committee is for the most part composed of a number of the persons interested in the result of a business; and those naming the committee are bound to abide by the determination or orders given by any committee which they have nominated, in every affair that comes within the power of those by whom they were appointed.

**COMMON COUNCIL**, a court in the city of London, in which all the bye-laws are made for the regulation of the city. It consists of two houses: the upper house is composed of the lord mayor and aldermen; the lower is composed of the common councilmen, who are chosen by the different wards as representatives of the general body of citizens.

**COMPANY**,

**COMPANY**, a society of merchants, traders, or manufacturers formed together for a certain purpose, and having one common interest and end in view.

When there are but a small number of persons joined together, the association does not in general go by the name of company, but of partnership; but in such partnerships custom has introduced the manner of naming the first partner, and one or two more, adding, and company—as A, B, and Co. to avoid a long string of names.

All societies formed by charter or a public act for carrying on any business, are called companies, which sometimes go by the name of joint-stock companies, and sometimes are called regulated companies. Regulated companies are such as when every person conforming to the regulations made and provided, has a right to trade on his own stock or funds, in which case he enjoys the emolument or gain that arises from his own commercial transactions. Joint-stock companies are when the capital stock is thrown into one mass, and when it is employed for the general benefit, each participating in the gain according to the proportion of stock or capital which belongs to him.

Companies are frequently incorporated by act of parliament for some particular purpose, and they have in that case the powers and privileges attached to them by the charter or act by which they are incorporated.

**COMPANY, AFRICAN.** See *African Company*.

**COMPANY, BULAM.** See *Bulam Company*.

**COMPANY, EAST INDIA.** See *East India Company*.

**COMPANY, GREENLAND.** See *Greenland Company*.

**COMPANY, HUDSON'S BAY.** See *Hudson's Bay Company*.

**COMPANY, SIERRA LEONE.** See *Sierra Leone Company*.

**COMPANY, LONDON DOCK, WEST INDIA DOCK.** See *Port of London*.

**COMPANY, RUSSIA.** See *Russia Company*.

**COMPANY, SOUTH-SEA.** See *South-Sea Company*.

**COMPANY, TURKEY.** See *Turkey Company*.

**COMPACT**, an agreement or contract made between one or more parties. See *Law of Nations*.

**COMPENSATION**, an equivalent. When goods are lost or damaged, or an injury done, the paying a sum, or giving a value to the person injured equal to the damage sustained, is called a compensation. It is to him who receives it the same as the price of a

thing; but it generally implies, that though the value goes to him by whom the injury was sustained, yet the other who makes the compensation does not receive any advantage, but makes it to his own loss and damage.

**COMPETITION**, rivalry in a general sense; and in commerce it implies that one or more persons endeavour to undersell each other in a market, or to excel in the quality of an article or commodity. Competition is the life of commerce, manufactures, and all sorts of trade. See *Monopoly*.

**COMPOUND INTEREST**, is in opposition to simple interest, and consists in the simple interest, the moment it becomes due, being added to the capital, and bearing interest also. It is expressively signified by interest upon interest; and its effects in accumulation, at the end of a considerable period, are surprisingly great. See *Interest*.

**COMPROMISE**, a contract or agreement whereby two parties who were at variance settle their differences, either with the aid of arbitrators or in a voluntary manner; but it is without compulsion, and by each party giving up something of their pretensions; for when the law orders, or where one obtains precisely what he demanded, there is no compromise. See *Award*.

**COMPOSITION**, an agreement between a debtor and creditor to accept a certain sum in discharge of all demands. If the debtor assign over all his effects to trustees to make an equal distribution among all his creditors, that would be a good consideration in law for the promise, 2 T. R. 24; and if the creditor only verbally agrees to accept a composition, and on the faith of it the insolvent assigns fairly, the creditor will be entitled to no action. 1 *Esplin*. Rep. 236.

It has been questioned whether even agreement by creditors to take a composition in discharge of their debts be not binding, though no fund be appropriated for the payment of the composition. 6 T. R. 263.

Where a creditor agrees to take a composition from his debtor, on the faith of which the latter executes a deed of assignment of all his property to a trustee for the benefit of his creditors, such creditor shall not be allowed, by refusing to execute such deed, to sue his debtor for the whole of his demand. 1 *Esp.* Rep. 236.

If a man, who compounds with his creditors, pays more to any one of them without the knowledge of the others, it cancels the agreement, even after a part or the whole of the money has been paid; and the creditors who are ignorant of such surplus payment, may bring actions, and recover the whole money originally due.

Where a debtor owes money to a creditor on several accounts, he may pay any part, and apply it to any debt; but if he pay indefinitely, the creditor has his election to which account he will place it. 8 Mod. 236. See *Bankruptcy, Fraud, &c.*

**COMPUTATION**, the true account and construction of time. A deed dated the 1st day of January, to hold from the day of the date, shall be construed to begin on the 2d day of January; but if it be to hold from the making, or from henceforth, it shall begin on the day delivered.

Also the manner of estimating weights, measures, time, money, distances, or any other kinds of quantities.

**CONDITION**, a restraint annexed to a thing, so that by the non-performance, the party to it shall sustain loss, and by the performance receive advantage; or it is a restriction of men's acts, qualifying or suspending the same, and making them uncertain whether they shall take effect or not. Also, it is defined to be what is referred to a contingency, which may or may not take place.

A *collateral condition* is that which is annexed to any collateral act. See *Bond*.

**CONGO**, called sometimes *Lower Guinea*, a country on the west coast of Africa, comprehending the kingdoms of Congo, Laongo, Angola, and Benquela. The great traffic of this country is slaves; it also possesses ivory, musk, wax, honey, palm oil, and mines of copper and silver. These mines, however, have never been brought to much account.

**CONJOINT**, or **CONJUNCT**, where two or more persons are bound, or under promise to act together. It signifies united or connected.

**CONNECTICUT**, one of the United States of America, formerly part of New England, bounded on the north by Massachusetts's, on the east by Rhode Island, on the south by the strait which divides it from Long Island, and on the west by New York. The princi-

pal commerce of this state is with the East and West Indies. It exports horses, mules, cattle, timber, Indian corn, salted beef, pork, and fish, corn, butter, cheese, and other articles of its produce, to the neighbouring states; from whom it takes in exchange indigo, rice, and spices. Although this state cannot be properly called a manufacturing country, most of the inhabitants make their own clothes, which, although perhaps not so fine, are as durable as those they procure from England.

#### CONSEQUENTIAL LOSSES and DAMAGES.

Where one is party to a fraud, all that follows by reason of that fraud shall be considered as done by him. See *Necessity*.

**CONSIGNMENT**, the sending, delivering over goods, money, or other property, to another person. It may be either consigned unconditionally, or for some particular purpose. Consigned goods are supposed, in general, to be the property of him by whom they are consigned, but to be at the disposal of him to whom they are consigned.

**CONSULS**. Consul is an officer established by virtue of a commission from a sovereign in all foreign countries, and which nations permit, either from custom or treaty, to reside in their territories. We find instances of this as far back as the 12th century, when some states began to establish at home judges, whose particular function it was to decide on matters purely commercial, and to whom was given the name of consuls. In process of time, some of the powers stipulated, in their treaties with the Mahometan and pagan states out of Europe, for the right of sending consuls into those states, to watch over the interests of their subjects trading there, and to judge and determine on differences arising amongst them touching commercial affairs. Following these examples, the christian powers in Europe began, in the 15th century, to send consuls into each other's territories; but even at this day the custom of receiving them cannot be looked upon as universally established.

The rights of consuls differ widely in different states. Most of those sent out of Europe exercise a pretty extensive jurisdiction over the subjects of their sovereign. In Europe there are some places where the consuls exercise a civil jurisdiction, more or less limited,



limited, over their fellow subjects residing there; in others they can exercise only a *voluntary jurisdiction*; and their functions are confined to watching over the commercial interests of the state, particularly the observance of the treaties of commerce; and to assist with their advice and interposition those of their nation, whom commercial pursuits have led to the place where they reside. Although under the particular protection of the law of nations, they are far from enjoying the privileges allowed to ambassadors, either as to jurisdiction, imposts, religion, or honours. Sometimes consuls general are sent, who officiate at the head of the several consuls in different parts of the nation where they are resident.

The consuls are to keep up a correspondence with the ministers residing in the courts whereon their consulate depends, or in states where there is a chief consul, they correspond with him, and he with the ministers of his court. They are to support the commerce and the interest of their nation; to dispose of the sums given and the presents made to the lords and principals of places, to obtain their protection, and prevent the insults of the natives on the merchants of their nation.

**CONSIDERATION**, is the money or other beneficial act done towards or paid to another, for which a certain equivalent beneficial advantage is to be communicated. Every consideration must be legal, and every act importing a consideration must be practicable, otherwise it will be void; and every subsequent transaction, founded upon such illegal consideration or unlawful act, will be also void; absolutely in cases where they have been expressly declared so by the statute, and *voidable* where the party injured chuses to avail himself of the advantage. Thus, if a bill be given on an illegal consideration, such as the purchase of smuggled goods, procuring an office, compounding a criminal prosecution, or if it be fraudulently obtained, it is of no avail either to the original payee, or to any person receiving it with notice of its original defect.

It has been held, that where two persons were engaged in illegal stock-jobbing transactions as partners, and having sustained losses, one paid the share of the other with his consent, and took his bond for it; the bond was a good security, for the person who ad-

vanced the money was not concerned in the use made of it by the others. *Fachney v. Renous*, 4 Burr. 2069.

With respect to illegal considerations in negotiable instruments, there are some which are considered as absolutely void, and others which are considered as voidable only.

The following, viz. debts of third persons, or those barred by the statute of limitations, or a discharge under a fugitive or insolvent act, by a bankruptcy and certificate, or by a composition, are held by various authorities to be good considerations; but the considerations of signing a bankrupt's certificate, or withdrawing a petition against it, or joining in the acceptance of a composition, dropping a criminal prosecution, or suppressing evidence thereon, smuggling, an usurious or stock-jobbing contract, money lost by gaming, money lent for the purpose of gaming or betting, or lent at the time and place of such betting and gaming, or by persons who during such play shall bet, have by various authorities been deemed illegal considerations.

But no person who has not himself received a consideration, can insist upon the want of one, if the plaintiff, or any intermediate party between him and the defendant, took the instrument *bona fide* and upon a good consideration. *Lynall v. Loughtham*, 2 Wils. 36.

If the consideration upon which the bill or note was originally given was not illegal, an illegality in the consideration upon which it was subsequently transferred, will not make it so, if the party took it *bona fide* and upon good consideration, *Daniel v. Cartony*, *Esplanasse* 274. By suffering judgment by default, the defendant will be precluded from objecting to the validity of the consideration. *Shepherd v. Charter*, 4 T. R. 275. See *Bill of Exchange*, *Stock-jobbing*, *Usury*.

**CONSTANTINOPLE**, the capital of the Turkish empire. The manufactures and commodities of Turkey are silks, carpets, goats' hair, wool, camels' hair, cotton, yarn, dimity, wax, linen, skins, blue and yellow morocco, leather, coffee, rhubarb, turpentine, borax, gum, opium, galls, mastic, emery, lemnion, bole, pomegranate, shells, sponges, dates, almonds, wine, oils, figs, raisins, mother of pearl, box wood, saffron, &c.

These are exported in large quantities by the several European trading nations, who import their own goods, and purchase those of the country. No nation is more advantageously situated for traffic than the Turkish, having the navigation of the Black Sea, the Levant, and the Red Sea, and consequently greater opportunities of importing the rich merchandises of the east, and distributing them all over Europe, than any maritime power; but they never attempt distant voyages, having but few merchant ships, and both their imports and exports are chiefly made in foreign bottoms.

**CONTRABAND.** See *Smuggling, Law of Nations.*

**CONTRACT.** See *Agreement, Deeds, Consideration, Sales, Usury.*

**CONTINGENT,** signifies the proportion that falls to any one concerned in a business or enterprise; also the portion of money or other value to be furnished by one person or body towards the execution of a joint enterprise.

**CONTRIBUTION,** a term synonymous to average. See *Average.*

**CONVOY,** is any number of ships of war appointed to accompany and protect merchant ships, and prevent their being insulted by pirates, or the enemies of their states in time of war, and sometimes used to denote vessels under such protection. See *Insurance.*

**COOPERS.** By s. 23 Hen. VIII. c. 4, coopers shall make their vessels of seasonable woods, and mark them with their own marks, on forfeiture of 3s. 4d. and the contents of vessels are appointed to be observed under the like penalty.

**COPARTNERSHIP** is when two or more persons unite together, and agree to participate in profit and loss, according to their respective shares in a capital or joint stock.

To constitute partnership, it is essential that there should be a communion of profit and loss between the parties; and this is the true criterion to judge how far the parties are not partners. 1 *H. B.* 43, 48.

If there be several joint partners, and any person deals with them in any business concerning their joint trade, whereby a debt may become due, they and their survivors will be jointly liable; but if such per-

son deal with one partner upon his own individual account, such debt will not bind the firm.

Persons who jointly undertake any single concern are not, in the eye of the law, considered as general copartners, so as to be subject to a joint commission of bankruptcy. *Doug.* 556.

If A. B. C. and D. enter into an agreement to purchase goods in the name of A. only, and to take aliquot parts of the purchase, but not jointly to resell the goods; on the failure of A. the ostensible buyer, B. C. and D. were held not answerable to the seller as partner. 1 *H. Bl.* 37, 44.

To make a man liable as a partner, there must be either a contract between him and the ostensible person to share jointly in the profit and loss, or he must have given permission to the other to make use of his credit, and thereby to hold him out as one jointly responsible with himself. *Hoare & al. v. Davies,* 1 *Doug.* 371.

If a man advance money to a trader, and become thereby interested in the profits of the trade, such conduct will frequently make him a secret partner, although it will not in all cases conclude him so. The true criterion where money is advanced to a trader, is to consider whether the profit or premium be certain and definite, or casual, indefinite, and depending on the accidents of trade; in the former case it is a loan, in the latter a partnership. 2 *Bla. Rep.* 998, 999.

Each partner has an undivided moiety of the whole of the capital, and not the whole of an undivided moiety. They are joint tenants in the stock, not only of that which was in being at the time of entering into partnership, but they continue joint-tenants throughout, whatever changes may occur. 1 *Ves.* 242. *Corop.* 448. Each partner is consequently entitled to be allowed against the other any thing he has advanced, and to charge the other in account with what the other has brought in or taken out more than he ought. *Corop.* 471. *Pr. Ch.* 285.

Where three had employed the defendant to sell timber, in which they were jointly concerned, had paid two of them their exact proportion, and they had given him a receipt in full; the third brought an action for the remainder, being his share, and an objection was taken, as this was a joint employment by three, one alone

alone could not properly bring the action; but Lord Mansfield held, that where there had been a severance, as in the present case, one partner alone might sue. *Lippin. Dig.* 117.

The partnership property, in case of death, vests in the survivor, for it is a maxim of law, that for the benefit of commerce, there is no right of survivorship amongst merchants. The surviving partner becomes trustee for, and subject to an account with the representatives of the deceased partner for his share in the property; and from hence it follows, that the executor of the deceased partner cannot collect the partnership debts, or commence any action for the recovery thereof; neither as any other person than the surviving partner is legally competent to enforce payment of any debts, so none of the debtors to the partnership will be justified in paying to any other person than the surviving partner, or such person as he shall appoint.

The accounts, therefore, ought in cases of death to be immediately taken, as the property continues in the surviving partner, and is a lien in his hands for any debt due from the deceased partner, although such survivor should afterwards die or become a bankrupt.

*Dissolution of Partnerships.* Partnerships are dissolved by death, by bankruptcy, by consent, or by effluxion of time.

If the partnership be dissolved by consent, the legal interest will so far remain as before, that the property of the partner going out will not be thereby divested, but he still remains as joint-tenant with the other; and one partner and the separate creditors of the other cannot affect the stock any farther than was in the power of that partner to whom they are creditors.

In cases where a partnership expires by effluxion of time, if one intend to continue the trade, and the other refuse, an action may be brought at law, or a bill in equity filed for an account, and to restrain the disposing of the goods, of which the possession may be wrongfully withheld.

Upon a dissolution, a partner can only have a right to an account of the partnership, and the balance due upon his respective share; and no person claiming interest under such partner can be in better condition than himself. Executors and assignees are governed

by the same principle of law, and can only be entitled to an undivided moiety, subject, at the same time, to the rights of the other partner. *Cowp.* 448, 471.

Payment to one partner is considered as payment to all. If there be three partners, whereof two are bankrupts, and their proportions are assigned over, and payment made to the solvent partner, this will be a payment to all the assignees, who are considered, with respect to this transaction, as copartners.

The act of one partner in the name of the firm, is allowed to be obligatory upon the others, although it may be on his own individual account, unless the parties claiming the benefit of it received it with the knowledge of the circumstance, in which case the others are not bound, *Sheriff v. Wilk, East.* 48. But one of the partners cannot, after dissolution of the partnership, bind the others by his signature to a bill, although he is empowered to receive and pay the debts of the concern, and actually applies the money which he receives in discounting the bill in discharge of a partnership debt.

A. and B. ship agents at different ports, entered into an agreement to share in certain proportions the profits of their respective commissions, and the discount on tradesmen's bills, by them employed in repairing the ships consigned to them, &c. By this agreement it was held, that the parties became liable as partners to all persons with whom either had made any contract as such agent, although it was expressly provided by the agreement that neither should be responsible for the acts or losses of the other, but each for his own. *Wagh v. Carver, Carver v. Gilder, 2 Hen. Bl.* 235.

In the case of *Grakam* and others v. *Robertson*, the plaintiffs, together with A. and B., being owners of one vessel, and the defendant of another, a prize was taken, condemned, and shared by agreement between them; the sentence of condemnation was afterwards reversed, and restitution with costs was awarded, which was paid solely by the plaintiffs, A. and B. having become bankrupts in the mean time; and it was held, that an action could not be brought by the plaintiffs alone for a moiety of the restitution money and of the costs, because this was either a partnership transaction, in which case A. and B. ought to be joined, or not, when separate actions should have

been brought by each of the persons paying. *Graham and others v. Robertson*, 2 T. R. 282.

Two partners purchased a ship under a bill of sale, pursuant to 26 G. III. c. 60, after which they took in other partners, but the ship was not transferred to them jointly with the others; and it was held, that the four partners had not any insurable interest in the freight of the ship, such right to freight resulting only from right to ownership, and these four partners had neither a legal nor equitable title to the ship. *Camden and others v. Anderson*, 5 T. R. 709.

Where there were two partners, and one of them applied trust money in the trade with the privity of the other, and afterwards a separation took place, and the partnership effects were assigned over to the first, who took on him the debts; this was held to be a payment in discharge of the other partner; both, nevertheless, were liable to make good the trust money. *Smith and others v. Robert and Thomas Jameson*, 5 T. R. 601.

In delivering goods upon any contract, any act subsequent to the time of such delivery may be admitted as evidence to shew that the goods were delivered on a partnership account, if it were doubtful at the time of the contract; but if it appear clearly that no partnership existed when the contract was made, no subsequent act by any person who may afterwards become a partner (not even an acknowledgment that he is liable, or accepting a bill of exchange drawn on them as partners for the identical goods) will make him liable in an action for goods sold and delivered, though he would have been liable in action on the bill of exchange. *Saville v. J. Robertson and Hutchinson*, 4 T. R. 720.

A promise in writing, directed to A. B. and C. a house in trade, to pay for goods to be furnished to another, cannot be enforced in an action by B. and C. to recover the value of goods furnished, after A. had withdrawn from the partnership. *Myers and others v. Edge*, 7 T. R. 754.

One partner cannot bind another by deed, but he may by drawing or accepting bills of exchange. 7 T. R. 210.

But although one partner cannot bind another by deed, yet if a partner execute a deed for himself and his partner, by the authority of his partner, and

in his presence, this, although only once sealed, will be a good execution, and consequently bind the partner. *Ball v. Dunsterville and others*, 4 T. R. 313.

A power given to A. to receive and pay all debts due and from the partnership upon its dissolution, does not authorize him to indorse a bill of exchange in the name of the partnership, though drawn by A. in that name, and accepted by a debtor of the partnership after the dissolution, so that the indorsee of such bill can maintain no action on the bill against A. B. and C. as partners. Neither can such indorsee maintain an action against them for money paid to the use of the partnership, although in point of fact the money raised by discounting such bill be applied by A. to the payment of a debt due from the partnership. *Kilgour v. Finlayson, Galbraith and Harper*, 1 H. Bl. 155.

The bankruptcy of one partner may be pleaded in bar to an action by several. *Eckhardt and others v. Wilson*, 8 T. R. 140.

An action for partnership debts may be brought against one partner only; and unless he pleads in abatement he will be excluded. *Rice v. Skute*, 2 Bl. 695.

With respect to partnerships the law establishes this distinction, viz. if the cause of action arise from contract, *all* the parties to that contract must be sued; but if the action arises from a trespass or *ex delicto*, he may either sue *all* or *any* of the parties at his election, upon each of whom a separate trespass attaches individually. *Mitchell v. Tarbutt*, 5 T. R. 649.

One partner may maintain an action against another for money had and received to the separate use of the former, and wrongfully carried to the partnership account. *Smith v. Barrow*, 240. 2 T. R. 476.

Where money is owing to two partners, and after the death of one of them it is paid to a third person, the surviving partner may maintain an action for money had and received in his own right, and not in this case as a survivor. *Ibid*.

If two persons enter into articles of copartnership for the term of seven years, and the deed of copartnership contain a covenant to account yearly, and to adjust and make a final settlement at the expiration  
of



of the partnership; and before the expiration of seven years they dissolve the partnership, and account together, and strike a balance, which is in favour of the plaintiff, including amongst the partnership accounts several other items not connected with the partnership, and the defendant promises to pay, an action of assumpsit will lay upon this express promise, *Foster v. Allanton*, 2 T. R. 479; and an action of assumpsit may be maintained upon an express promise for the amount of a balance due upon a partnership account, though there be between the parties a covenant to account. *Moravia v. Levy*, 2 T. R. 483.

A contract made by two partners to pay a certain sum of money to a third person, equally out of their own private cash, is a joint contract, and they must be jointly sued upon it. *Byers v. Debey*, 1 H. Bl. 236.

An action cannot be maintained by several partners for goods sold by one of them living in Guernsey, and packed in a peculiar manner for smuggling, though the partners who reside in England are completely ignorant of the sale. *Biggs v. Lawrence*, 3 T. R. 341.

If one of two partners become bankrupt, the solvent partner may, if for a valuable consideration, and without fraud, dispose of the partnership effects; and if he afterwards fail, the assignees under a joint commission against both cannot maintain trover against the *bona fide* vendee of such partnership effects. *Fox v. Hanbury*, *Coup.* 445.

Partners in a ship and cargo by discharging notes of one who becomes a bankrupt, cannot stand in his place for any share of his profits. *Smith v. De Silveux*, *Coup.* 469.

If a bill or note be made payable to several persons who are not in copartnership, the indorsement must be by all of them. *Carrick v. Vickery*, 3 Doug. 653.

Where one partner takes a moiety of the profits indefinitely, he shall be made liable by the operation of law to the losses also. 2 H. B. 247.

Where the consignee of goods (to whom the bill of lading was indorsed in blank) assigned it over as a security for acceptances given by the assignee, not amounting to the value of the goods, and they afterwards become partners in the goods, by an agreement be-

tween them that the profits and loss should be equally divided; but the first was to stand guarantee to the other for the solidity of the factor by whom the goods were to be sold; and it appeared by the agreement that the consignor had not been paid for the goods, the assignee of the bill of lading cannot maintain trover against the consignor if he stop the goods *in transitu* on the insolvency of the consignee, for one partner cannot recover those goods which the other could not. *Salmons v. Nissen*, M. 29 G. III.

If partners by deed assign all their partnership effects, &c. to trustees, for the benefit of their creditors, and some of the separate creditors of one partner do not assent to it, such assignment is void and fraudulent. *Eckhardt and others v. Wilson*, 8 T. R. 140.

Two (of three) partners who had contracted a debt prior to the admission of the third partner into the firm, cannot bind such third partner without his assent, by accepting a bill drawn by the creditor upon the firm in their joint names; but such security is fraudulent and void as against the third partner, and cannot be recovered in an action against the three, wherein one only of the original partners pleaded to the action. *Shirriff and another v. Wilkes*, T. R. Mich. 41 G. III.

If money be paid by one partner to another before the bankruptcy of the latter, for the purpose of being paid over as his liquidated share of a debt to their joint creditor; if the money so paid be not applied to this specific purpose, it is provable as a debt under a commission, although the solvent partner were not called upon to repay the debt to the joint creditor till after the bankruptcy of the other. But the solvent partner may recover from the bankrupt his share of such debt so paid after the bankruptcy to the joint creditor, notwithstanding the bankrupt has obtained his certificate.

Where A. engages with B. C. and D., who were before partners, as a partner in a particular transaction, and B. C. and D. become bankrupts, after which A. pays a debt due from himself and them to a joint creditor; it was held, that these three partners constituted but one debtor to A., and that he might recover from B. the proportion of B. C. and D. towards the joint debt, B. not having pleaded an abatement.

ment. Where a balance of accounts is struck between partners, and there is a promise to pay, an action at law will lie. 2 T. R. 438.

Where partners are jointly and severally bound, a bond creditor may, under a bankruptcy, make his election to come against the joint or separate estate, but not against both, except for the deficiency, and after the other creditors are paid. 1 Atk. 107. 2 Chan. Ca. 139.

In a general partnership, payment to one party is payment to all, 12 Mod. 447. So if all, except the party to whom payment is made, were bankrupts, the payment is only unavoidable as to his proportion. 5 Vin. Abr. 16. 245.

If one partner borrows any money out of the general partnership trade, his own share shall be answerable for it; and he shall not be permitted to come into equity, and pray an account, without making satisfaction for the debt. Watts. 72.

A partner, like a bailee, is accountable for negligence in carrying on trade, and all the damages which happen through his fault, Watts. 152; but if a man fails in having used the most exact diligence, such a failure is not comprehended under the term *fault*; for a partner is not liable to answer damages, if, in regard to the goods of the partnership, it appears that he has used the same care and diligence towards them which he has usually observed in keeping his own individual property.

If on an execution against a partner, the partnership goods are taken and sold, the sheriff is to pay over to the other a share of the produce, proportioned to his share in the partnership effects. Doug. 627. 650.

On an execution against one partner, the sheriff must seize all the goods, for the moiety is undivided; and if he seize but a moiety, and sell that, the other copartner will have a right to a moiety of that moiety. He must therefore seize the whole, and sell the moiety thereof, and then the vendee will be tenant in common. 1 Salk. 392. 3 Salk. 61. 2 Lord Raym. 871.

Where the partnership effects are sold, the proportion may be settled by a reference to the master. Doug. 627.

In carrying on a partnership trade, the powers of

each are, in general, discretionary; but, at the same time, partners ought not to act in matters of importance without consulting together, provided opportunity offers; for though a partner may not be responsible *merely for judging wrong* in a case where he had authority to act, yet if it appear that he exceeded his power, and the event terminate unsuccessfully, he must bear the loss.

If one of several partners is concerned in smuggling on account of the copartnership trade, the crown may go against any one of the partners for the whole penalty. Bank. 298.

In all partnership contracts, where money is furnished by one side only, if the casualty goes to the interest of such money only, and not to the principal, it will be usury, and the party can recover nothing upon such contract. But, at the same time, to constitute such usurious contract, there must be a loan of money, goods, merchandizes, &c. to be repaid and restored to the lender with higher interest than the statute allows. It is essential that the thing *lent* is to be returned; for it cannot be a *loan*, unless the money or thing borrowed is to be restored, and the making illegal interest precarious will not take it out of the statute, nor will any other shift or contrivance whatsoever. 1 T. R. 200. 3 Wils. 395.

When a new partner is admitted, although there be no public notice of the alteration in the firm, his signature ought to be transmitted, with an intimation of the change in the copartnership, to all the correspondents. Some mercantile houses, however, which have been long established, often retain the old firm, though all the original partners be dead or withdrawn.

It appears that if any of the legatees, or persons entitled to the effects of a deceased partner, should become injured in consequence of any indulgence granted by his executors or administrators to the surviving partner, the executors will become personally responsible to such legatees, &c. to the full amount of the injuries they may sustain. In case of death, therefore, if the surviving partner refuses to come to an immediate account, the executors should, without delay, file a bill in equity against him, praying an account, and that a receiver may be appointed, and for general relief and protection; and executors would,

would, in such cases, act prudently in advertising for debtors to bring in their accounts.

A debt due to two partners may be set off by the survivor to an action brought against himself, 1 *Bl. Rep.* 475. If partners agree to refer all matters in difference to arbitration, the arbitrator may dissolve the partnership.

If a partner, on the behalf of himself and the other partners, submits to an arbitration, and promises to perform the award, they are not bound thereby, though the partner so submitting shall perform it. 2 *Mod. Rep.* 228.

Where a partner has withdrawn his name from a firm, though he continues to receive part of the profits as a dormant partner, it is not ground of nonsuit that his name is not joined in an action against the other partners. 2 *Esp. Rep.* 468.

When some of the parties to a contract are out of the jurisdiction of the court, they must be joined in the action, and outlawed, 6 *T. R.* 327; so where there is a joint demand, and one will not join in the action, he must be summoned and served; but where one partner is out of the kingdom, the partner before the court shall pay the whole of a joint demand.

After an act of bankruptcy committed by one of two partners, if joint effects are sent away, which came to the defendant's hands, and afterwards the solvent partner dies, leaving the defendant his executor, and afterwards a commission of bankruptcy is taken out against the surviving partner, and his estate assigned to the plaintiffs; it was held, that they are tenants in common with the solvent partner, and after his decease with his representatives, by relation of law from the act of bankruptcy, and cannot therefore maintain trover against the defendant claiming under such solvent partner. *E. T.* 41 *G. III. Smith* and others, assignees of Richardson, a bankrupt, v. *Stokes*.

If partners dissolve their partnership, persons dealing with either, without notice of such dissolution, have a right against both, *Cowp.* 449. Upon the dissolution of a partnership, notice should not only be given in the Gazette, but to every person connected with the firm; but in the case of *Godfrey v. Turnbull* and *Macaulay*, *Trin.* 35 *G. III.* Lord Kenyon declared, that notice in the Gazette of a dissolution of

partnership is sufficient notice to the world; at least as against those who have had no previous dealings with the firm. 1 *Esp. Rep.* 371.

Where one partner commits an act of bankruptcy, and the other not, a commission will go against the one, for it is he that owes the debt. *Wats.* 416.

Upon the commencement of a partnership, it is usual to send the signature of each partner to the correspondents, and to continue the same as new correspondents arise. *Wats.* 153.

If one partner orders goods without disclosing the names of the other partners, and the goods are afterwards delivered to them all, they are all liable, because the delivery and the sale constitute one entire contract, and the delivery is supposed to be according to the sale. *M. S. Bull. Trin.* 32 *G. III. Saville v. Robinson* and another.

If several persons, upon entering into partnership, borrow money of different persons to carry on their joint trade, the lenders cannot maintain actions against all the partners.

If one partner take out more money from the partnership stock than his share amounts to, the partnership creditor cannot come upon the separate estate, unless it can be shewn that the partner acted fraudulently, with a view to benefit his separate creditors at the expence of the joint creditors. 1 *Cooke's B. L.* 547.

Money lent to one partner for his own expences, shall be deemed a partnership debt, if lent whilst he is engaged in the partnership business. 1 *Esqin. Rep.* 406. For more upon this head, see *Bills of Exchange, Bankruptcy, Set-Off*.

**COPENHAGEN**, the capital of Denmark, situated on the eastern shore of the Island of Zealand, on a fine bay of the Baltic sea, within the strait called the Sound. This is not only the best port in the Baltic, but also one of the most convenient and safe in Europe. The busy spirit of commerce is seen in this city; the harbour is always crowded with merchant ships, and the streets are intersected by broad canals, which bring the merchandize close to the warehouses on the quays. Here the principal part of the trade of Denmark is carried on; some part however is transacted at Elsinore. The principal articles of export are timber, masts, tary, cattle, tallow, hemp, goat-skins,

salt fish, sealing-wax, lace, cordage, tobacco, pipes, refined sugar, soap, and saltpetre.

**CORDOVA**, a town of Andalusia in Spain, carries on a considerable trade in wine, silk, and cordovan leather.

**CORK**, a city in the south of Ireland, and the chief town of the county of that name. It is a place of great trade, its harbour being one of the best in the world; smaller vessels come up to the quay, but the larger generally ride at a place called Passage, where almost any number of ships may remain with convenience and safety. Ships from England bound to all parts of the West Indies, take in here a great part of their provisions, and on the same account the haven of Cork is also visited by those of other nations. The slaughtering season for cattle continues from the month of August to the latter end of January, in which space it has been computed that they kill and cure seldom fewer than 100,000 head of black cattle. The rest of their exports consists of butter, candles, hides, raw and tanned, linen cloth, pork, calves, lambs, and rabbit skins, tallow, wool for England, linen and woollen yarn and worsted. The merchants of Cork carry on a very extensive trade to almost all parts of the known world, so that their commerce is annually increasing,

**CORN**. No production of this or of any country, nor any article of commerce, has given place to so much discussion, or occasioned more legislative attention and regulation than the article of grain. Its great importance to mankind is a sufficient reason for the attention that has been paid to the object; at the same time that the immense quantity of the article that is consumed in every country renders those regulations and bounties which, in any other case, would produce the effect intended, nearly abortive.

Respecting the bounties which have been given in the case of importation, when corn is above a certain price, and for exportation when it becomes cheap, the reasonings have been various. Mr. Smith gives it clearly as his opinion, that they have not tended to lower the prices in general; and M. Necker, in his very voluminous work on the legislation of grain, carries his disapprobation much farther, and attempts to prove that these regulations have been very hurtful

to England; yet neither of these authors have assigned the cause which distinguishes the operation of bounties in that case from their effects in all others.

That the bounty on exportation will prevent the price from ever falling under a certain level, is and must be sufficiently evident to every person; but the bounty of importation, unfortunately, is not equally efficacious in reducing the price of the commodity in times of scarcity. The case seems to be, and indeed clearly is, that the bounties serve to bring a supply from other countries; yet the amount of the quantity so brought is too little in proportion to the consumption of the country to produce any considerable diminution in the price.

There are in this country 12 millions of persons, who may be supposed to consume for 36 millions value of grain in the year, besides what is employed for horses, and in the distilleries and breweries. The whole must amount at least to about 50 millions sterling per annum. When a season is in any way unproductive, it generally falls short about one-fourth; so that to supply the deficiency would require to the value of 12 millions at least, but in no case whatever is it possible to import half that quantity, so that never can importation produce abundance of that article; and unless it did, the price can never fall considerably. Our corn laws, then, serve to carry off the surplus in years of plenty, and thereby to keep up the price; but in times of scarcity they have not an adequate effect in increasing the quantity, and keeping down the price.

Of late years the prices of grain of all sorts have risen so rapidly, and continued so high, that all the theories broached till now on the subject are totally distanced. The bounties that bring corn from abroad, even when added to the high price paid here, do not prevent those who deal in the article from continuing to exact the utmost sum they can obtain.

The bounty on corn might perhaps produce a greater diminution in the price than it does, were it given upon the bringing to market, instead merely of bringing into the country.

The necessities of life seem to be governed by different laws from other articles of commerce, as their quantity cannot be augmented at pleasure, nor the consumption



consumption readily diminished. In most sorts of manufactures the quantity made can be with precision proportioned to the demand; the price will be, therefore, regulated by the expence of producing, allowing a reasonable profit for the employment of capital. If the demand increases, the price will rise a little; but it will soon produce such an augmentation of the quantity made, that prices will come to what is termed their level. With the necessaries of life, and particularly grain, this is different. The seasons control the efforts of man. When an acre is sowed with grain, he who sows it does not know how much it will produce; whereas he who buys materials to employ in any sort of manufactory, knows how much of the manufactured goods they will produce. In another respect also, the corn commerce is different from any other species of trade. When there is any opinion goes abroad that there is a danger of a scarcity, an effect is produced on the minds of the buyers and sellers, that does not take place nearly to an equal degree with regard to any other commodity. The least suspicion of this sort occasions an alarm and panic that puts the buyer into the power of the seller, who, as he can calculate within a few weeks to a certainty on the supply by the next harvest, can speculate in keeping back his grain with certainty; and when once a part has been sold at a high price, it puts the owner in a situation to wait patiently for the sale of the rest. It would go beyond the bounds of this work, and deviate from the plan, to enter into the theory of this very important and no less complicated branch of commerce, for the better regulation of which new laws are thought to be necessary.

*Laws and Regulations respecting the Corn Trade.*

All laws and regulations, so far as they regard the prices and the duties on corn imported and exported, are repealed, and from and after the 1st day of January 1774, it is enacted, that whenever the price of middling British wheat, at the ports and places where wheat shall be imported into this kingdom, shall appear, according to the methods directed by the several acts of parliament for ascertaining the rates and prices of corn and grain imported, or as hereinafter to be directed by this act, to be at or above 48s. per quarter middling British; rye, peas, and beans respectively at or above 32s. per quarter; middling British

barley, beer or bigg at or above 24s. per quarter; and middling British oats at or above 16s. per quarter; all customs and duties now payable respectively upon wheat, wheat flour, rye, pease, beans, barley, beer, bigg, and oats, imported into this kingdom, shall respectively cease, determine, and be no longer paid or payable during the respective continuance of such respective prices as aforesaid; and in lieu of the former duties, a duty of only 6d. per quarter shall be laid on all wheat, of 2d. on every hundred weight of wheat flour, of 3d. on rye, pease, and beans, of 2d. on barley, beer, or bigg, and oats, per quarter.

Corn, grain, &c. imported at the usual ports, allowed to be imported, may be warehoused at the king's warehouse, under the joint locks of the king and the importers, duty free; but upon taking out any part thereof for home consumption, the duties are to be paid down in ready money, to be returned upon exporting any part to foreign countries, upon giving a bond to the collector of the customs that it shall not be reloaded in any part of Great Britain or Ireland, &c.

But corn, grain, &c. imported from Ireland, and warehoused for home consumption, if not so disposed of, may be carried back to Ireland, under the like securities and restrictions as are required for the exportation of any foreign corn, grain, or flour.

Whenever middling British wheat shall appear to be at or above 44s. per quarter; rye, peas, or beans at 28s; barley, beer, or bigg at 22s.; oats at 24s.; at the ports where they are intended to be exported, it shall not be lawful to export the same directly or indirectly, under penalty of forfeiture of the commodity, and of the ship, vessel, or boat in which it is laden, and 20s. per bushel additional fine on every bushel of corn, grain, &c. attempted to be exported by offenders against this act.

Not to extend to the sustenance of ships of war, nor vessels carrying the said article coastwise, nor to grain exported to Ireland, nor to such of our forts, garrisons, and settlements in foreign parts, as shall by this or subsequent acts be allowed certain specified quantities yearly, though British corn, &c. be above the price at which it is allowed to be exported.

After the 1st day of January 1774, all the former bounties allowed by law upon the exportation of any

sort of corn or grain ceased and determined, and the following bounties took place, and still continue, all the regulations of this act being made a permanent law. Wherever middling British wheat, or malt made of wheat, shall be under 44s. per quarter, a bounty of 5s. per quarter shall be allowed on the exportation in British shipping, whereof the master, and two-thirds of the mariners at least, are of his majesty's subjects; on rye, when under 28s. per quarter, a bounty of 3s.; on barley, beer, or bigg, when under 22s. a bounty of 2s. 6d. per quarter; and the same on malt made of these grains; on oats, when under 14s. a quarter, 2s.; and 2s. 6d. for oatmeal, reckoning 226 pounds avoirdupois to the quarter.

When oatmeal does not exceed 16s. in Scotland per boll, weighing eight stone troy, it may not be imported from Ireland, or any foreign parts beyond the seas, into the said country, under forfeiture of the ship and her appurtenances; and a penalty of treble the value of the oatmeal on all persons aiding or assisting in landing it; but when oatmeal, in any port or place in Scotland, does exceed the price of 16s. per boll, the importation from Ireland, or any part beyond the seas, is allowed.

In the year 1756 a very great scarcity of corn happened all over Europe, and large exports having been made the preceding year from Great Britain, the poor suffered greatly from the dearth of this first necessary of life; for remedy thereof sundry acts of parliament were made, which continued in force till the year 1759, when plenty was again restored. In the month of June 1767, wheat was at the enormous price of 3l. 12s. per quarter, and all other grain in proportion. An act was then made to prohibit for a limited time the exportation of corn, malt, meal, flour, bread, biscuit, and starch; also an act to discontinue the duties on the importation of corn and flour, and to permit the importation in neutral ships. But in the year 1780 the abundance of corn was so great, that an act was passed to allow the exportation in foreign ships belonging to any nation in amity with Great Britain; also half the bounty allowed on exportation in British bottoms.

The officers of the customs shall admeasure all corn whereon there is an allowance payable for ex-

portation; and such admeasurement shall be made by a measure containing four Winchester bushels; and if such corn shall be brought to be shipped in sacks, the officers are to make choice of two of these sacks, out of any number not exceeding 20, before the same shall be put on board, and thereby compute the quantity intended to be shipped; and according to such computation the allowance shall be paid to the exporter, upon his producing a certificate from the officers of the customs, attesting the quantity and quality of the corn shipped for exportation.

The like regulations shall be extended to the ascertaining the prices and quantity of beer or bigg, oatmeal, and wheat and malt, intended for exportation, provided that nothing in this act shall alter the present practice of shipping corn from the port of London; but the same may be measured by sworn meters, by whose certificate the searchers or other officers of the customs are to certify the quantity of corn shipped for exportation, as hath been practised.

It shall be lawful for the justices of the peace for the several counties within England, Wales, and Berwick, wherein foreign corn shall be imported, at their quarter sessions, to give in charge to the grand jury to make presentment of the market prices of middling English corn, of the sorts mentioned in an act 22 Car. II. c. 13.

Registers were appointed to be kept of the prices at which corn is sold in the several counties of Great Britain, and of the quantity exported and imported. The justices at the quarter sessions to order weekly returns to be made throughout the year of the prices of wheat, rye, barley, oats, beans, and bigg, from not less than two, or more than six market towns in each county, and to appoint a person to receive the said returns. Meal-weighers in London to make a weekly return of the average prices: the persons making the returns to be paid out of the county rates. The returns to be transmitted to the Treasury, where a person is to be appointed to receive them, and to publish them, or abstracts from them, weekly in the London Gazette. Commissioners of the Treasury to keep an account of the quantities of corn exported and imported, and of the duties and bounties

bounties paid thereon. This proved a very salutary act for ascertaining the true price of corn throughout the kingdom, and for judging of the plenty or scarcity.

On the 29th September 1789, additional regulations were made, which merit insertion in this place, the subject being of the first importance. To guard as much as possible against false or partial returns, every corn factor, from whom any return is required by the 21 G. III. shall, within one calendar month from the time of his beginning to deal by commission in the sale of corn and grain, take the following oath, or, being one of the people called quakers, affirm, viz.

I A. B. do swear (or affirm), that the returns of the prices and quantities of British corn and grain, which henceforth shall be by or for me sold and delivered, shall, to the best of my knowledge and belief, contain the whole quantity, and no more, of the corn *bona fide* sold and delivered by or for me, within the period to which they shall refer, with the prices and names of the buyers respectively, and to the best of my judgment, conformable to the direction of an act passed in the 25th year of the reign of his present majesty, entitled, An act for further regulating and ascertaining the importation and exportation of corn and grain within the several ports and places therein mentioned.

Any person carrying on the trade or business of a corn-factor, without taking the said oath, is subjected to a penalty of 50*l*.

The inspector of the corn returns at the Corn Exchange, London, to receive from every corn-factor in London and the suburbs a weekly return of the corn brought into the Thames eastward of London Bridge, which was sold by him during the preceding week.

The average prices formed from the weekly returns, to be deemed the common price of middling British corn within London, Essex, Kent, and Sussex.

For the purposes of this act the maritime counties of England are to be divided into districts, and the justices at the next Michaelmas sessions shall select a number of principal market towns, from which and the sea-ports, having peculiar jurisdictions, the price of corn for each county shall be taken.

Millers purchasing British corn and grain for sale

are by this act obliged to make true and just returns upon oath of the quantities so bought by them, within three calendar months after the passing this act, or within one month after they shall begin to deal in corn and grain; the returns to be weekly accounts, and to be delivered to the corn-inspector of the market where the purchases were made, under a penalty of 10*l*. for every omission.

No debenture for a bounty on exportation of any corn, grain, or flour shall be made out or granted for the allowance of any bounty on any corn, grain, or flour, entered or shipped for exportation from any port within any of the districts, during the time that foreign corn or grain of the same species is allowed to be imported into such districts at the low duties.

No warrant, cocket, &c. shall be granted for carrying to sea from any port within England, Wales, and Berwick, to any other port of the same, any foreign corn after importation thereof; and no person shall transport any foreign corn, or foreign corn mixed with English, under penalty that all such corn that shall be transported or laden contrary to this act shall be forfeited, and every offender shall forfeit 20*s*. for every bushel of such corn, and the ship upon which such corn shall be laden shall be forfeited, and the master and mariners of such ship wherein such offence shall be committed, knowing such offence, and assisting thereunto, shall be imprisoned three months.

If any person beat, wound, or use any violence to hinder one from buying corn, or shall stop or seize on any carriage laden with wheat, flour, &c. and destroy the same, or shall take away or hurt any of the horses or drivers, &c. upon conviction he shall be sent to gaol or house of correction, and be kept to hard labour not exceeding three months, nor less than one, and shall be once publicly whipped at the market place on a market day.

If any person after conviction shall commit any of the offences a second time, or shall pull down or destroy any store-house or other place where corn shall be kept to be exported, or shall enter on board any ship, and from either of these depositories carry away or destroy any corn, meal, &c. such offender shall be adjudged guilty of felony, and shall be transported for seven years.

The inhabitants of every hundred in England, wherein such offence shall be committed, shall make satisfaction for all damages sustained not exceeding 100*l*.

Provided that no persons be enabled to recover damages by this act, unless they, by themselves or their servants, within two days after damage done, shall give notice of such offence to one of the constables of the hundred, or to the headborough, &c. of the town, &c. in or near which such fact shall be committed, and shall, within ten days after such notice, give in their, or their servants examination upon oath, before any justice of peace where such fact shall be committed.

Where any offence shall be committed against this act, and any one of the offenders be apprehended and convicted within twelve months after the offence, no hundred shall be liable to make satisfaction.

No person shall be enabled hereby to sue or bring any action against any hundred till after the expiration of one year, nor unless the parties sustaining such damage shall commence their action within two years after the offence.

The export and import trade, both between Great Britain and Ireland, and between each of those two parts of the united kingdom and foreign countries, is chiefly regulated by the two Irish acts of 23 and 24 Geo. III. c. 19, and 32 Geo. III. c. 20; and the British act of 31 Geo. III. c. 30.

By the first of those acts, sec. 2, when the price of wheat in Ireland does not exceed 27*s*. (Irish) per barrel, there is a bounty on exportation to Great Britain (as well as to all foreign countries), of 3*s*. 4*d*. Irish per barrel, and of 1*s*. 4*d*. on each hundred weight of wheatmeal, or malt made from wheat, and 1*s*. 11*d*. on each hundred weight of flour of wheat, wheaten bread, or biscuit. When the price of barley does not exceed 13*s*. 6*d*. Irish per barrel, there is a bounty on exportation on each barrel of barley, beer, or bigg, of 1*s*. 7*d*. Irish; on each barrel of malt thereof, 1*s*.; and on each hundred weight of flour or meal made thereof, 1*s*. When the price of rye does not exceed 23*s*. Irish per barrel, a bounty of 2*s*. 2*d*. on each barrel of rye, and of 10*d*. on each hundred weight of rye-meal or flour. When the price of oats

does not exceed 10*s*. per barrel, a bounty of 1*s*. 5*d*. Irish on each barrel of oats, and on each hundred weight of oatmeal.

By the same statute, s. 13, it is enacted, that within the meaning thereof, every barrel of wheat and rye shall weigh 20 stone of 14*lb*. avoirdupois each stone; every barrel of barley and beer, 16 like stone; every barrel of oats, 14 like stone; and every barrel of malt made of beer and barley, 12 like stone.

By the British act of 31 G. III. c. 30. s. 3, when the price of wheat in England is under 44*s*. British per quarter, a bounty is payable on export to Ireland (as well as to all foreign countries), of 5*s*. on each quarter of wheat, 1*s*. 3*d*. on each hundred weight of wheatmeal, and 1*s*. 6*d*. on each hundred weight of wheat-flour and biscuit made of wheat. When the price of rye is 28*s*. per quarter, a bounty on rye of 3*s*. per quarter, and on rye-meal and flour of 9*d*. per hundred weight. When the price of barley, beer, or bigg is 22*s*. per quarter, a bounty on each quarter of those sorts of corn of 2*s*. 6*d*. and on each hundred weight of meal made thereof, of 10*d*. When the price of oats is under 14*s*. a bounty on each quarter of oats of 2*s*. and of 1*s*. on each hundred weight of oatmeal.

By the same act, s. 82, the quarter, within the meaning of that act, is to consist of 8 Winchester bushels; and in cases where corn shall be sold by weight, 57*lb*. avoirdupois is to be deemed equal to the bushel of wheat; 55*lb*. to the bushel of rye; 49*lb*. to the bushel of barley; 42*lb*. to the bushel of beer or bigg; and 38*lb*. to the bushel of oats.

Corn is always sold by weight in Ireland, and is generally sold by measure in Great Britain; and a Winchester bushel, by measure, of the same sort of corn, varies very considerably in weight according to the quality of the grain, sometimes exceeding and sometimes falling under the weights allowed (in cases of sales by weight) by the provisions of the British statute just mentioned.

By the Irish act of 23 and 24 G. III. s. 5, exportation to Great Britain (as well as to all foreign countries) is prohibited, of wheat, wheatmeal, and flour, or malt of wheat, when the price of wheat is at or above 30*s*. Irish per barrel; of rye meslin, or rye of meslin



meslin meal, when the price of rye is at or above 25s. per barrel; of barley, beer, bigg, or malt, or meal thereof, when the price of barley is at or above 14s. per barrel; and of oats and oatmeal, when the price of oats is at or above 11s. the barrel.

By the British act of 31 G. III. s. 7, the exportation from Great Britain to Ireland (as well as to all foreign countries) is prohibited, of wheat and meal flour, malt, bread, and biscuit made of wheat, when the price of wheat is at or above 46s. British per quarter; of rye, and of meal, flour, bread, or biscuit made of rye, when the price of rye is at or above 30s. per quarter; of barley, beer, and bigg, and of meal, flour, malt, bread, or biscuit made thereof, when the price of barley, beer, and bigg is at or above 23s. per quarter; and of oats and meal, malt, bread, or biscuit made of oats, when the price of oats is at or above 15s. per quarter.

With regard to the duties on the importation of grain, the rule in both countries, as settled by the British act of 31 G. III. and the Irish act of 32 G. III. (which, with regard to this part of the subject, are to be considered as constituting one law for both parts of the united kingdom) is exactly the same; with this exception, that bigg and beer are importable on the lowest duties into Ireland, and at a different price from that fixed in both countries for the importation of barley.

By that law, three scales of duty are established, viz. a high duty (amounting almost to total prohibition) of 24s. 3d. per quarter on wheat imported into either country from any foreign country, when the price in the country to which it is imported is under 50s. British; of 22s. British per quarter on barley and beer (and as to Great Britain on bigg), when under 25s.; and of 6s. 7d. on oats when under 17s. A much lower duty of 2s. 6d. per quarter on wheat, when at or above 50s. and under 54s.; of 1s. 3d. on barley, beer, or bigg, when at or above 25s. but under 27s.; and on oats, of 1s. when at or above 17s. but under 18s. Lastly, a duty, which may be considered as merely a matter of regulation, permitting, in effect, an entire freedom of importation; viz. of 6d. British on the quarter of wheat, when at or above the price of 54s. in the country to which it is imported; of 3d. on

barley, when at or above 18s.; and of 2d. on oats, when at or above 18s.

But by the same acts, a preference is given to the importation from Great Britain to Ireland, and from Ireland to Great Britain, inasmuch as the high duty ceases on the importation from the one to the other, when the prices in the country imported to are, of wheat, 48s. British; of barley, 24s. and of oats, 16s.; and in like manner the middle duty ceases; and what may be called the entire freedom of importation commences, when the price in the importing countries are, of wheat 52s. British; of barley, 26s. and of oats, 17s. per quarter.

Besides the material difference of the sale by weight in the one country, and by measure in the other, there is also a very striking diversity in the method prescribed by the Irish and British acts, for ascertaining the prices at which bounties and exportation shall cease, and importation at the middle and lowest duty commence; for by the law in Ireland, the prices are ascertained by an average of the sales throughout the whole island on returns for the six preceding weeks; and which average prices govern, as to bounties and the prohibition of export, and also as to import on the different duties for the whole of the ensuing quarter, with this exception, however, that though the quarterly average price should be such as to permit general export for three months, yet, if during that period the price at any port should rise, for two market days, above that at which export is prohibited, the export from such port is stopped till the price shall again fall upon a like reference to the two preceding market days. The quarter-days are, the 10th of February, 10th of May, 10th of August, and 10th of November.

By the law in Great Britain, England and Wales are divided into twelve districts, and Scotland into five; and weekly averages are struck of the prices in each of the districts into which England and Wales are divided, and monthly averages of the prices in those into which Scotland is divided; by which averages the right to the bounties and to export, according to the prices already mentioned, is governed for the ensuing week or month in each district separately.

With regard to importation in Great Britain, the prices

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prices are fixed for an entire quarter as in Ireland, and the quarter-days are the same, but they are separately ascertained in and for each district. The most obvious effects of this difference in the law of the two islands are, that in Great Britain, exportation may be going on from the ports in one district with the bounty, from those in another district without bounty, may be stopped in those of a third, and importation allowed at each of the low duties in a fourth and fifth district, at one and the same time; while in Ireland there is one rule for the whole island, with the exception only abovementioned in the cases of export. On the other hand, whatever fluctuation may take place in the prices of grain from one quarter-day to another, exportation with or without bounty, if stopped at the beginning of a quarter, must continue prohibited till the next quarter-day from every port in that island; whereas, all the ports in Great Britain may be open in one week to exportation with or without bounty, shut the next, and open the third; and for importation, some of those ports may be opened at the lowest duty, while others are virtually shut by the operation of the highest. And this difference may happen, and has in fact happened, even in the case of contiguous districts and ports.

Notwithstanding these regulations, in a case of exigency his Majesty in council may allow to be exported farther quantities than these below stated, so as the same shall not exceed in any one year 6000 quarters of each sort of unground corn, and 3000 tons of each sort of biscuit or ground corn.

## To Newfoundland.

	<i>Peas.</i>	<i>Biscuit.</i>	<i>Flour.</i>
	<i>Qrs.</i>	<i>Tons.</i>	<i>Tons.</i>
From London	500	500	64
Bristol	450	500	48
Poole	1300	1400	400
Dartmouth	850	850	240
Topsham and } Teignmouth }	1200	900	240
Liverpool	280	300	48
Weymouth	240	120	32
Plymouth	200	200	40
Chester	240	200	48
Port Glasgow } and Greenock }	100	150	—

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	<i>Peas.</i>	<i>Biscuit.</i>	<i>Flour.</i>
	<i>Qrs.</i>	<i>Tons.</i>	<i>Tons.</i>
From Barnstable	150	150	64
Southampton	300 or flour	150	—
Cowes	300 or flour	120	—

Total to New- foundland }	6,110	5,540	1,224
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## To Nova Scotia.

	<i>Peas.</i>	<i>Biscuit.</i>	<i>Flour.</i>
	<i>Qrs.</i>	<i>Tons.</i>	<i>Tons.</i>
From London	600	400	48
Bristol	400	350	32
Poole	200	200	32
Dartmouth	300	300	48
Topsham and } Teignmouth }	400	400	48
Plymouth	300	300	40

## To the British West India Islands.

<i>Wheat.</i>	<i>W. Flour.</i>	<i>Biscuit.</i>	<i>Barley.</i>	<i>Rye.</i>	<i>Oats.</i>	<i>Cornmeal.</i>	<i>Peas.</i>	<i>Rye.</i>	<i>Grass.</i>
<i>Qrs.</i>	<i>Tons.</i>	<i>Qrs.</i>	<i>Qrs.</i>	<i>Qrs.</i>	<i>Tons.</i>	<i>Qrs.</i>	<i>Qrs.</i>	<i>Qrs.</i>	<i>Tons.</i>
1000	320	950	5000	20,000	25,000	600	4000	500	25

## To Bay Chaleur.

	<i>Peas.</i>	<i>Biscuit.</i>	<i>Flour.</i>
	<i>Qrs.</i>	<i>Tons.</i>	<i>Tons.</i>
From London	500	400	80
Bristol	400	300	32
Poole	200	200	48
Dartmouth	300	300	48
Topsham and } Teignmouth }	400	400	48
Plymouth	300	300	38

## To Labrador.

	<i>Peas.</i>	<i>Biscuit.</i>	<i>Flour.</i>
	<i>Qrs.</i>	<i>Tons.</i>	<i>Tons.</i>
From London	500	400	80
Bristol	400	300	32
Poole	200	200	32
Dartmouth	300	300	56
Topsham and } Teignmouth }	400	400	48
Plymouth	200	300	30
			<i>To</i>

*To Gibraltar.*

From London, wheat, flour, rye, barley, malt, or peas, not exceeding 2500 qrs.

*To Guernsey, Jersey, and Alderney.*

From Southampton, wheat, meal, or flour, rye, barley, malt, bread; biscuit, or peas, not exceeding 9800 qrs.

*To the Isle of Man.*

From Kircudbright, wheat, wheat-meal, or flour, barley or oats, not exceeding	-	-	-	500 qrs.
Liverpool as above	do.	do.	do.	1000 do.
Whitehaven	do.	do.	do.	1000 do.

*To British West India Islands, including Bahama and Bermuda Islands, from such Ports, and in such Portions to each Island, as are directed by the Lords of Trade.*

Barley.	Beans.	Oats.	Oatmeal.	Peas.	Rye.	Wheat.	W. Flour.	Biscuit.
Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Tons.	Tons.
5000	20,000	25,000	600	4000	500	1000	3200	950

*To the Bay of Honduras and Yucatan, from such Ports as shall be permitted by the Lords of Trade.*

Flour not above 250 tons, biscuit 50 tons, peas 20 tons, oatmeal 20 tons, barley 115 qrs.

*To Hudson's Bay for the Company.*

From London, wheat, meal, or flour not above 500 tons; oats, oatmeal, grotts, barley, peas, beans, malt, biscuit, not exceeding 1000 qrs.

*To Sierra Leone for the Company.*

From London, wheat, flour and oatmeal, not above	-	-	-	21 tons.
Do.	do.	barley and peas	not above	25 qrs.

*To British Ports in Africa by African Company.*

Wheat flour not above	33 tons.
Biscuit	do. do. 15 do.

*To Portugal and elsewhere, under such Restrictions as shall be imposed by the Board of Trade.*

Beer or bigg, the growth of the Orkney Isles, 5000 qrs.

*To St. Helena, Penicolen, and East India Settlements.*  
From Great Britain, by the East India Company,

wheat, meal, flour, rye, barley, or malt, not above 15,000 qrs.

In addition to the above are also allowed corn, or any of the preceding articles necessary for the use of the ship on her voyage out and home, both for crew, passengers, and sustenance of the live stock, or for the king's ships, or for the victualling of British garrisons, for British castles, factories, &c. in Africa, or for ships of this nation trading upon that coast. See *Beer, Customs, Excise.*

**CORNWALL**, a county which forms the south-west extremity of England, where are rich mines of tin and copper mixed with great quantities of munda and arsenic. The tin mines produce about 350,000l. sterling a year, and those of copper nearly as much.

**COROMANDEL**, a country of Hindostan in the East Indies, being the district from Cape Comorin to the Ganges, and comprehending the Carnatic, Gengi, Tanjore, Madura, Morava, Bisnagar, and Golconda. The principal establishments on this coast are in the hands of the British, who there possess Trichinopoly, Gondelcur, Muzilipatam, Vizagapatam, and above all, Madras. But indeed the whole country of the Carnatic is, properly speaking, under the dominion of the English East India Company. See *Hindostan.*

**CORPORATION**, a body politic or incorporated, consisting of a number of persons, empowered by the law of the land to act under one name and as one person. Corporations are established by act of parliament, and their functions or powers are limited by the act of their creation or charter. See *Charter*, and *Company.*

The magistrates of a town or city act in a corporate capacity, for the advantage and administration of affairs within their liberties. The churchwardens, vestrymen, or notables of a parish, legally assembled, have certain rights which they can exercise in a corporate capacity.

**CORSICA**, an Island in the Mediterranean, which from its situation, almost in the middle between Genoa, Tuscany, and Sardinia, is of the utmost importance in a warlike point of view; but from the barrenness of its soil, and other circumstances, its commercial consequence is not great. It raises a small quantity of corn, wine, oil, fruits, and flax, but so trifling,

that it can be of no great value in whose possession it may be politically. The history of this Island is in many respects interesting, but unconnected with the subject of this work.

**COVENTRY**, an inland manufacturing town in Warwickshire; the chief manufacture is of ribbons and tanneries. The ribbons of Coventry go all over the world, and for the price and quality, both taken into account, there are none equal to them.

**COUNTER**, a table or board in a shop, on which the business is transacted; also a sort of ticket or tally-made use of to check an account of transactions.

**COUNTERFEITS**, persons who obtain money or other property, or obtain any sort of advantage whatever, under a false pretence, as by shewing false letters or papers, personating another, &c. See *Cheats*.

**COUNTERVAILING DUTIES** are such duties imposed upon foreign vessels entering the ports of his Majesty's dominions in Europe, as are adequate to equalize or countervail the excess or difference of the duties payable upon such articles by his Majesty's ships entering such foreign ports, beyond those duties payable by the ships of such foreign state: thus by the 37 G. III. c. 97, s. 11, enacted in affirmance of the 15th article of the American treaty, the British government reserved to itself the right of imposing such duty as might be adequate to countervail the duty then payable on the importation of European and Asiatic goods, when imported into the United States in British and American vessels. By the above act, certain tonnage duties were imposed upon American vessels entering British ports; and by the act of union with Ireland, art. 6, 39 and 40 G. III. c. 67, any articles of the growth, produce, or manufacture of either country, which are subject to internal duty or duties on the materials of which they are composed, may be made subject, on their importation into either country respectively, to such countervailing duty as shall appear to be just and reasonable.

**COURTS**. A court is defined to be a place appropriated to the judicial administration of justice. The law has appointed a considerable number of courts, some with a more limited, others with a more extensive jurisdiction; some of these are appropriated to en-

quire only, others to hear and determine; some to determine in the first instance, others upon appeal and by way of review.

Courts may be further divided into those of record, and those not of record; in the former, the acts and judicial proceedings are enrolled in parchment, for a perpetual memorial and testimony, which rolls are called the Records of the court, and are of such high and supereminent authority, that their truth is not to be called in question; and they may hold pleas, according to the course of the common law, of real, personal, and mixed actions, where the debt is 40 shillings or upwards, as the King's Bench, Common Pleas, &c. Courts not of record cannot hold plea of 40 shillings, nor are their proceedings according to the course of the common law, nor enrolled, as the County Court, Court Baron, &c.

The King's Bench is the supreme court of common law in the kingdom; and is so called, because the king used to sit there in person: it consists of a chief justice and three puisne justices, who are, by their office, the sovereign conservators of the peace, and supreme coroners of the land.

This court has a peculiar jurisdiction, not only over all capital offences, but also over all other misdemeanours of a public nature, tending either to a breach of the peace, or to oppression, or faction, or any manner of misgovernment. It has a discretionary power of inflicting exemplary punishment on offenders, either by fine, imprisonment, or other infamous punishment, as the nature of the crime, considered in all its circumstances, shall require.

The jurisdiction of this court is so transcendent, that it keeps all inferior jurisdictions within the bounds of their authority; and it may either remove their proceedings to be determined here, or prohibit their progress below: it superintends all civil corporations in the kingdom; commands magistrates and others, to do what their duty requires, in every case where there is no specific remedy; protects the liberty of the subject, by speedy and summary interposition; takes cognizance both of criminal and civil causes; the former in what is called the Crown side, or Crown Office; the latter in the Plea side of the court.

This court has cognizance, on the plea side, of all actions



actions of trespass, or other injury alleged to be committed *vi et armis*; of actions for forgery of deeds, maintenance, conspiracy, deceit; and actions on the case which allege any falsity or fraud.

In proceedings in this court, the defendant is arrested for a supposed trespass, which, in reality, he has never committed; and being thus in the custody of the marshal of this court, the plaintiff is at liberty to proceed against him for any other personal injury, which surmise of being in the custody of the marshal the defendant is not at liberty to dispute.

This court is likewise a court of appeal, into which may be removed, by writ of error, all determinations of the court of Common Pleas, and of all inferior courts of record in England.

**COMMON PLEAS.** This also is a law court of record, next in rank to the court of King's Bench, and to which court an appeal lies. It derives the name of Common Pleas from being the place where civil actions, or those between subject and subject, were originally litigated, in contradistinction to pleas of the crown, or criminal proceedings, which were within the jurisdiction of the court of King's Bench.

Real actions, or actions which relate to the right or realty of freehold, must originally be brought here; and all other, or personal pleas between man and man, may be also here determined, as in the court of King's Bench.

The judges of this court are at present four in number, one chief and three *puisné* justices, created by the king's letters patent, who sit every day in the four terms, to hear and determine all matters of law arising in civil causes.

**EXCHEQUER.** This, which is a court of law and equity, is a very ancient court of record, established by William the Conqueror, as a part of the *aula regia*, though regulated and reduced to its present state by Edward I. and intended principally to order the revenues of the crown, and to recover the king's debts and duties. This court derives its name from the chequered cloth, resembling a chess board, which covers the table there; and on which, when certain of the king's accounts are made up, the sums are marked and scored with counters.

This court consists of two divisions, viz. the re-

ceipt of the Exchequer, which manages the royal revenue; and the judicial, which is again subdivided into a court of equity and a court of common law.

The court of equity is held in the Exchequer, before the lord treasurer, the chancellor of the Exchequer, the chief baron, and three *puisné* barons. The primary and original business of this court was to call the king's debtors to account, by bill filed by the attorney general, and to recover any lands, tenements, or hereditaments, goods, chattels, or other profits or benefits belonging to the crown. Thus, according to their original constitution, the jurisdiction of the courts of Common Pleas, King's Bench, and Exchequer was entirely distinct; the Common Pleas being intended to decide all controversies between subject and subject, the King's Bench to correct all crimes and misdemeanours that amount to a breach of the peace, and the Exchequer to adjust and recover the revenue.

This court, which was established merely for the benefit of the king's accountants, is thrown open, and now, by suggestion of privilege, any person may be admitted to sue here, as well as the king's accountant.

An appeal from the equity side of this court lies immediately to the House of Peers; but from the common law side, pursuant to 31 Edw. III. c. 12, a writ of error must first be brought into the court of Exchequer chamber, from whence, in the dernier resort, there lies an appeal to the House of Lords.

**CHANCERY.** The high Court of Chancery is, in matters of civil property, the most important of any of the king's superior and original courts of justice. The office of lord chancellor is created, at this day, by the mere delivery of the king's great seal into his custody, whereby he becomes, without writ or patent, an officer of the greatest weight and power of any now subsisting in the kingdom, and, in point of precedence, superior to any temporal lord.

In this court also, as in the Exchequer, there are two distinct tribunals; the one ordinary, being a court of common law; the other extraordinary, being a court of equity.

The law court of Chancery consists chiefly of holding plea of *scire facias*, to repeal and cancel the king's patents, when made against law, or  
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upon untrue suggestions, pleas of petitions, traverses of office, &c. But if any cause comes to issue in this court, that is, if any fact be disputed between the parties, the chancellor cannot try it, having no power to summon a jury; but must deliver the record, with his own hand, into the court of King's Bench, where it shall be tried by the country, and judgment be given thereon.

From this court issue all original writs which pass under the great seal, all commissions of charitable uses, sewers, bankruptcy, idiocy, lunacy, &c.; and it is always open to the subject, who may there have any writ he may have occasion for.

The extraordinary court, however, or court of equity, is now become a court of the greatest judicial consequence, and interposes where courts of law are incompetent to act, having power to compel the party to answer upon oath. Its process is by bill and subpoena. From this court, however, as from the other courts, an appeal lies to the House of Peers: but there are two distinctions between appeals from a court of equity and writs of error from a court of law; the former may be brought upon any interlocutory matter, the latter upon nothing but a definitive judgment; on writs of error, the House of Lords pronounces the judgment, on appeals it gives direction to the court below to rectify its own decree.

**EXCHEQUER CHAMBER.** This court has no original jurisdiction, but is merely a court of appeal, to correct the errors of other jurisdictions; and consists of the lord chancellor, the lord treasurer, with the justices of the King's Bench and Common Pleas. In imitation of this, a second court of Exchequer Chamber was erected by 27 Eliz. c. 8. consisting of the justices of the Common Pleas and the barons of the Exchequer; before whom, writs of error may be brought to reverse judgments in certain suits commenced originally in the court of King's Bench. Into the court of Exchequer Chamber (and which then consists of all the judges of the three superior courts, and occasionally also of the lord chancellor) are sometimes adjourned from the other courts such causes as the judges upon argument find to be of great weight and difficulty, before any judgment is given upon them in the court below.

**HOUSE OF LORDS.** This is the supreme court of judi-

cature in the kingdom, but it has no original jurisdiction over causes, but only upon appeals and writs of error, to rectify any injustice or mistake of the law committed by the inferior courts. The Lords are in all causes the last resort, from whose judgment no farther appeal is permitted; but every subordinate tribunal must conform to their determination. They are assisted in all dubious cases by the opinions of the judges, who are summoned by writ to advise them, and upon their decision all property must finally depend.

**COURTS OF ASSIZE AND NISI PRIUS.** These courts consist of two or more commissioners, who are twice in every year sent by the king's special commission all round the kingdom (except London and Middlesex, where courts of nisi prius are holden in and after every term before the chief or other judge of the several superior courts; and except the four northern counties, where the assizes are holden only once a year), to try, by a jury of the respective counties, the truth of such matters as are then under dispute in the courts of Westminster-Hall.

These justices usually make their circuits in the respective vacations after Hilary and Trinity terms. The judges upon the circuits sit by virtue of five several authorities, viz. 1. The commission of the peace. 2. A commission of oyer and terminer. 3. A commission of general gaol delivery. 4. A commission of assize directed to the justices and sergeants therein named to take (together with their associates) assizes in the several counties; that is, to take the verdict of a peculiar species of jury, called an assize, and summoned for the trial of landed dispute. 5. That of nisi prius, which is a consequence of the commission of assize, by which the justices so commissioned are empowered to try all questions of fact issuing out of the courts at Westminster that are then ready for trial by jury.

These by the course of the courts are usually appointed to be tried at Westminster, in Easter or Michaelmas term, by a jury returned from the county where the cause of action arises, but with this proviso, *nisi prius*, or *unless before* the day prefixed the judges of assize come into the county in question. This they are sure to do on the vacations preceding each Easter and Michaelmas term, which saves considerable trouble and expence.

**COURT OF MARSHALSEA**, a court of record originally instituted to hear and determine causes between the servants of the king's household and others within the verge; and hath jurisdiction of things within the verge of the court, and of pleas of trespass where either party is of the king's family, and of all other actions personal, wherein both parties are the king's servants; but the court hath also power to try all personal actions, as debt, trespass, slander, trover, action on the case, &c. between party and party, the liberty whereof extends 12 miles about Whitehall.

The judges of this court are the steward of the king's household, and high-marshal for the time being; the steward of the court, or his deputy, is generally an eminent counsel.

If a cause of importance is brought in this court, it is generally removed into the court of King's Bench or Common Pleas by an *habeas corpus cum causa*.

**COURT OF REQUESTS**. By 41 G. III. c. 14, for extending the powers of the Court of Requests within the city of London, all debts amounting to 5l. due from any person resident within the jurisdiction of the city are to be exclusively sued for and recovered. Two aldermen, and not less than twenty inhabitants householders of the several wards and districts, are appointed commissioners, and sit in rotation. The process is by summons, and the commissioners have power to award payment by such instalments as are consistent with the circumstances and ability of the debtor. In this court an attorney's privilege is of no avail.

**CREDIT**, a trust or loan of merchandise, money, or any valuable consideration, given in confidence in the solvability and good faith of a person. Credit ought to be given with caution and proper attention to circumstances; but it is impossible to carry commerce to any great extent without credit, as money cannot always be at the command of any person, to answer every occasion which may present itself for the purchase of goods; or even if it could be so, the money that must be lying dead in order to wait for occasion, would impede and retard the circulation and regular commerce of a country. The length and extent of credit given by the English merchants to merchants and storekeepers in other countries, is one of the greatest causes of the extension of the commerce of

this kingdom, as many persons who can pay after the goods they purchase have been sold, and whose probity and good conduct may be depended upon, are unable to purchase with ready money, or to pay with punctuality at a short date.

In giving credit, the capital or means of the person credited should be first considered; next to that is to be considered the purpose for which the credit is wanted; and last of all, the character of the man to whom it is to be given.

From this it follows that credit may be of three sorts; it may be founded entirely on personal confidence, on confidence in an undertaking, or on the assurance that the person borrowing has the means to pay within his own power, without any risque or great exertion.

**CREDITOR**, a person to whom a sum of money is due either for money, goods, services, or other value. See *Debt and Debtor*.

**CREDIT, LETTERS OF**, letters given or sent, by which one person is empowered to receive money on the credit of another, and for which that other who gives the letters is answerable. Letters of credit sometimes stipulate the precise sum, and in other cases assign no limit. In this latter event, the writer of the letters depends on the discretion of the person in whose favour he writes, and the limit is the extent of his own credit with the person to whom he writes. Travellers or merchants going abroad on business, generally take letters of credit in place of money, by which means they avoid the risque and trouble of carrying specie, and are always supplied according to their wants in the coin of the country into which they go.

**CRIMEA**, or **CRIM TARTARY**, a peninsula in Asia, bounded on the south and west by the Black Sea; on the north by the province of Catharinenslaf, with which it communicates by the isthmus of Perekop; and on the south by the Sea of Asoph and the Strait of Caffa. The soil of the Crimea is extremely fertile, but little cultivated; it however carries on a great commerce, principally at Caffa. See *Caffa*, *Black Sea*.

**CRONSTADT**, a sea-port town in Russia, where most of her navy lies. Here are two separate havens, one for men of war, and the other for merchant ships. The trade is inconsiderable.

CUBA, a large and important island in the West Indies, belonging to Spain. The principal produce of this island is cotton and coffee; but although the soil is uncommonly fertile, yet, from the indolence of the inhabitants, very little of this most extensive country is cultivated. Although it is capable of raising sugar sufficient to supply all Europe, yet there are but a few plantations of sugar, and these insufficient for the home consumption. Here are also fed great numbers of hogs and of cattle, the hides of which form an article of commerce. The other commodities are ginger, cassia, mastic, aloes, sarsaparilla, turtle-shell, tallow, dried sweet-meats. Its commerce is principally carried on at the Havannah, where there is an excellent port, defended by the strong fortifications of the Moro Castle, and St. Jago, which is the capital of the island. The great importance of Cuba in its present state is owing to its situation, it being in a great measure the key to the West Indies.

**CURRENCY.** In Jamaica and some of the other West India islands accounts are kept in pounds, shillings, and in pence, as in England; but the value of their pound is different: it therefore becomes necessary to distinguish between a pound sterling and their pound, which is therefore called currency.

To give an example, by way of illustration, the Scotch pound was, before the union, only 20 pence English, 12 of them making a pound sterling: it was therefore necessary, in speaking or writing of pounds, to say whether they were English or Scotch, as without that or some other distinctive addition it was not possible to know what sort of pound was meant.

Currency then is to be understood merely as the distinctive term, and not as being current coin, in which latter sense it is apt to be taken. In Ireland the currency is also different in value from the English money.

The following table will serve for a guide in reducing any sum of currency into English money, the difference of value per cent. on the individual pound being known. For example, as 40 per cent. is the difference between Jamaica currency and English money, the sum of 600l. currency, when multiplied by five and divided by seven, will produce 428 $\frac{4}{7}$ l. The word currency being applied, and to be under-

stood in a particular sense, and having a general one in the English language which is different, implying the money that circulates from hand to hand, has rendered it necessary to be the more particular in explaining the meaning in which it is used in the commercial world.

*Exchange Table to bring Currency into Sterling.*

Exchange a per cent.	Multiply by	Divide by
20	5	6
22 $\frac{1}{2}$	40	40
25	4	5
27 $\frac{1}{2}$	40	51
30	10	13
32	25	33
32 $\frac{1}{2}$	40	53
35	20	27
37 $\frac{1}{2}$	8	11
40	5	7
42	40	57
45 $\frac{1}{2}$	20	29
47 $\frac{1}{2}$	40	59
50 $\frac{1}{2}$	2	3
52	40	61
55 $\frac{1}{2}$	20	33
57	40	63
60 $\frac{1}{2}$	5	8
62	8	13
65	20	33
67 $\frac{1}{2}$	40	67
70	10	17
72 $\frac{1}{2}$	40	69
75	4	7
77 $\frac{1}{2}$	40	71
80	5	9

N. B. To bring sterling into currency reverse the rule.

*Currency of Jamaica.*

Value of a dollar is 6s. 8d.; twenty shillings sterling is 1l. 8s.; one guinea is 1l. 9s. 4 $\frac{1}{2}$ d.; one hundred pounds sterling is 140l.

*Currencies of America.*

In New England, Vermont, Virginia, and Kentucky, the value of the dollar is 6s.; twenty shillings currency is 15s. sterling; and 133 $\frac{1}{3}$ l. currency is 100l. sterling.

In New York and North Carolina the value of a dollar is 8s.; twenty shillings currency is 11s. 3d. sterling; and 177l. 7-9ths currency is 100l. sterling.



In New Jersey, Pennsylvania, Delaware, and Maryland, the value of a dollar is 7s. 6d.; twenty shillings currency is 12s. sterling; and 166l. 2-3ds currency is 100l. sterling.

In South Carolina and Georgia the value of a dollar is 5s. currency; twenty shillings currency is 19s. sterling; and 103l.  $\frac{1}{2}$  cash current is 100l. sterling.

**CUSTOM-HOUSE** is the place where entries are made upon goods, exported or imported. The practical business of this receipt of the national revenue is of so much consequence to the merchant, that the following documents are confidently submitted as a practical guide in almost every case that can possibly occur.

#### *Of Entries outwards.*

When the goods intended to be exported are ready, the true contents are to be carried to the custom-house by a bill of entry, as follows:

#### *Bill of Entry.*

In the Mercury, captain Hodgson, per Robert Dewar.

10 tons wrought iron.  
5 tons wrought copper.  
2 tons brass.  
10 chaldrons lime.  
20 M. barrel hoops.

Irish linens, muslins, upholstery, thread and cotton hose, perfumery, stationary, tin-ware, wire-work, cabinet-ware, turnery, lignum vite, negro clothing, lines and twines, pickles, garden seeds, toys, grind-stones, painters oil and colours, waggons, carts, wheelbarrows, corks, floor-cloth, British compounds, hhd. and puncheon packs, oil-cakes, linseed-cakes, hams and tongues, saltery. £. 5000.

To each entry there must be five, six, or seven bills made out, according to the nature of the goods; one of which must be made out in words at length, and is called the warrant. Of these bills you must proceed with them in the same manner as the bill

inwards, and on having discharged the customs, you will have delivered you a piece of parchment called a cocket, which certifies your payment thereof, and all duties for such goods; and having marked and numbered your goods, you indorse the same on the back of your cocket and of your shipping bill, mentioning the true contents of each package, &c. After you have given the cocket and shipping bill to the searcher, with his fee, you may ship off your goods, which when you have obtained the mate's receipt for them, you deliver the same to the master of the ship, who then signs your bills of lading.

#### *Form of the Cocket and Indorsement.*

**LONDON.** Know ye that John Mosley hath entered five hundred weight wrought iron, five hundred weight brass, value one hundred eighty-five pounds, in the Robert, J. Grey, for Hambro', duty paid. Dated 4th Sept. 1802, in the forty-second year of King George the Third.

IW	1 a	5-5 boxes	qt	5	wro. iron	£. 85
	No. 1.	a	5	qt	5	brass 100
						Total £. 185

To the patent searchers.

A bill or exact } Entered as the cocket to the de-  
copy of the } puted searchers.  
entry.

If several goods are exported at the same time, of which some are free and others pay duties, the exporter must have two cockets, and must make two entries, one for the goods that pay, and the other for those that do not pay customs.

*To export goods by certificate,* which must be foreign goods formerly imported, and on which a drawback is to be received, you must mention the marks, numbers, and contents, the name of the ship in which the goods were imported, the importer's name, and time of entry inwards, and make oath that the entries for those goods were paid, or secured to be paid. After you have made an entry in this manner, you carry it to the collector and comptroller, or their deputies, who, after examining their books, will grant a warrant,

rant, which must be given to the surveyor, searcher, and land-waiter, for them to certify the quantity of goods; after which the certificate must be brought back to the collector and comptroller, or their deputies, and oath made that the said goods are really shipped, and not landed again in any port of Great Britain. This done, they set down in words at length, on the back of the debenture, and then in figures on the same side, the sum on each particular part of the duties, and subscribed jointly to the whole. By virtue of this debenture, the exporter may, in one month after the ship's departure from Great Britain, demand his drawback; and if the collector has not money enough in his hands to pay the debenture, he is to certify the same on the back of the debenture, in order that the exporter may have recourse to the commissioners for payment.

*Entry for any kind of Goods by Certificate.*

In the Amelia, Joseph Young, per Grenada.

Thomas Benningfield.

The duty of five pounds per cent. inwards for sixty-three pounds, at 4s. 11d. per pound.

No. 129, folio 138. Sold, White and Windham.

Secured, United Co. 15th June 1802.

Dated the 15th November 1802.

Signed

Clerk of Certificates.

Comptroller outwards.

Thomas Benningfield maketh oath, that the goods above mentioned in this certificate are now to be exported to Grenada, and that he is the real owner thereof.

Sworn before me the

15th Nov. 1802.

*Indorsement.*

We, whose names are subscribed, do severally swear (or solemnly, sincerely, and truly declare and affirm), that the duty for the goods in the within certificate, in the names of us or our principals, were paid and secured on the day therein expressed; and that we sold or delivered the said goods to the persons under-mentioned by us, or exported the same.

We, whose names are subscribed, do severally swear (or solemnly, sincerely, and truly declare and affirm), that the goods herein declared to be sold and delivered to us (or that the East-India goods cleared as under-mentioned), were by us sold, delivered, or exported, as by us under-written.

Importer's Name.	To whom sold or delivered.	When and before whom sworn.

Buyers Names, or by whom cleared off.	Of whom bought, and to whom sold or exported.	When and before whom sworn.

The collector or comptroller, or their deputies, give a warrant of the same tenor, signed by them, directed to the surveyor and land-waiter, after which you have a cocket.

And on the back of the cocket is indorsed as follows:—The contents of the goods shipped, Two hundred, &c.

*Debenture*

*Debenture for British Stuffs, &c.*

LONDON, Lane, Son, & Co. did enter with us the 7th day of November 1782, in the Barbadoes Planter, John Coare, of Barbadoes, sixty pounds stuffs of silk only, and ribbons, six stuffs of silk and worsted, of sixty pounds avoidupois weight, all British manufacture, and that two-third parts of the ends or threads of the warp of each piece mixed, are either all silk, or else mixed or twisted with silk in the warp, as appears by certificate under the hand of J. Lane, taken in the penalty of three hundred pounds, that the stuffs of silk only, and ribbons, and silk and worsted above-mentioned, or any part thereof, shall not be relanded, or brought on shore again in any port or part of Great Britain.

maketh oath, that the goods above-mentioned, shipped as here certified, are all British manufacture, and exported to parts beyond the seas, and not landed, or intended to be relanded in any part of Great Britain, or the islands of Faro or Ferro.

Sworn, and the above signature  
acknowledged before me

The money to be paid for the silk manu-  
facture within mentioned amounts to }

Ex. & Ent.

Pay or allow to the sum of  
as above to be due on this debenture. Dated the  
day of

To the receiver general of the customs, or the collector inwards, in the port of London.

*Received by me*

*Debenture for British refined Sugars.*

493. LONDON, Jackson Barwis did enter with us the 15th day of September 1774, in the Success, Thomas Dunn, of Dublin, fourteen hundred weight three quarters and seventeen pounds British refined sugar, in lumps, duly refined.

Fifty-one hundred weight, a quarter, and twenty-four pounds, British refined sugar, in loaves, complete and whole.

Which were all produced from Muscovado sugar imported from his majesty's plantations in America, for which the several duties were duly paid at the time of importing the same, and which have respectively gone through the several operations, mentioned in an act of the fifth year of King George the Third, and been properly refined and manufactured according to the true intent and meaning of the said act, as by oath made, and are now really and truly exported, as doth appear by the oath of the exporter above-mentioned, taken before the collector or other proper officer of his majesty's customs. Dated Custom-house, London, the day and year above written.

Maketh oath, that the refined sugar mentioned in this debenture, is really and truly exported on commission, having the direction of the voyage, and not landed, nor intended to be relanded in Great Britain, or the Isle of Man, or the islands of Faro or Ferro.

Sworn before me

Pay or allow to the sum of  
being certified as above to be due on this  
debenture. Dated the day of

To the receiver general of the customs, or the collector inwards, in the port of London.

*Debenture for Gunpowder.*

298.

LONDON, John Warder did enter with us, the 18th day of June 1784, in the Commerce, Thomas Truxton, of Philadelphia, two hundred barrels of twenty thousand pounds gunpowder.

*Wm. Bates & Co.*

Maketh oath, that the gunpowder above-mentioned, shipped as here certified, is all British manufacture, and is exported to parts beyond the seas, by way of merchandize, and not for the use of the ship in her voyage,

and is not relanded, or intended to be

be relanded in any part of Great Britain, or the islands of Faro or Ferro.

Certificates taken in the penalty of one thousand pounds, that the gunpowder above-mentioned, or any part thereof, shall not be relanded or brought on shore again into any port or part of Great Britain.

*Wm. Bates & Co.*

Sworn, and the above signature acknowledged before me

*John Shepherd.*

The money to be paid for the gunpowder }  
within mentioned amounts to

Pay or allow to the sum of  
as above to be due on this debenture. Dated the  
day of

To the receiver general of the customs, or the collector inwards, in the port of London.

*Received by me*

*Debenture for Russia and Swedish Bar-Iron.*

56. LONDON, John Wood did enter with us the 12th December 1771, in the Greenwich, R. Carr, per India, the subsidy, new sub.  $\frac{1}{2}$  sub.  $\frac{2}{3}$  sub. sub. 1747, impost, was paid inwards for one ton Russia bar-iron, per Thornton and Co. 14th December 1770, one ton Swedish bar-iron, per A. Lindgren, 13th December 1770, which has been tendered to the commissioners of his majesty's navy, and refused.

Made out 15th January 1772,

as it doth appear by the certificate of the collector inwards; and for further manifestation of his just dealing herein, he hath also taken oath before us for the same. Custom-house, London, the day and year above said.

Maketh oath, that the goods mentioned in this debenture are really and truly exported on commission, having direction of the voyage, and not landed, nor in-

tended to be relanded in Great Britain, nor landed, or intended to be landed on the Isle of Man, or in any of the British colonies or plantations in America, or the islands of Faro or Ferro.

Sworn before me

*Debenture for Printed Linens, Cottons, Calicoes, &c.*

LONDON, F. Gould and Co. did enter at the custom-house the 6th Feb. 1801, in the Mary Susannah, Wm. Clarke, per Jamaica,

yards of  
under the value of five-pence  
a yard, yards of

value five-pence, and under the value of six-pence a yard; five thousand four hundred ten yards of printed British linen and cotton and British buckram, value six-pence, and not exceeding the value of eighteen-pence a yard; all which are either British or Irish buckrams or tilletings, or British or Irish linens, or British calicoes or cottons, or cotton mixed with linen, printed, painted, stained, or dyed in Great Britain, of the breadth of twenty-five inches, or more, and was before the printing, painting, staining, or dying thereof, neither more or less than the value above-mentioned: and bond is taken in the penalty of nine hundred ten pounds, that the buckrams, tilletings, linens, calicoes, cottons, or cotton mixed with linen herein mentioned, shall be exported, and that no part of the said buckrams, tilletings, linens, calicoes, cottons, or cotton mixed with linen, shall be relanded or brought on shore again into any port or part of Great Britain, Ireland, or the Isle of Man, or the islands of Faro or Ferro, or in any other part or place than Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East Indies.

Maketh oath, that all the buckrams, tilletings, linens, calicoes, cotton, or cotton mixed with linen above-mentioned, shipped as here certified, are either British or Irish buckrams or tilletings, or British or Irish linens, or British calicoes or cottons, or cotton mixed with linen, printed, painted, stained, or dyed in Great Britain, as above described, and are all of  
the



the breadth of twenty-five inches or more, and was before the printing, painting, staining, or dying thereof, neither more or less than the value above-mentioned, and that all the said buckrams, tilletings, linens, calicoes, cottons, or cotton mixed with linen, are exported to parts beyond the seas,

and not landed, or intended to be reloaded in Great Britain, Ireland, or the Isle of Man, or the islands of Faro or Ferro, or in any other part or place than Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East Indies,

Sworn, and the above signature  
acknowledged before me

The bounty to be paid for the  
within mentioned amounts to  
pounds shillings pence }

Pay or allow to the sum of  
being certified  
as above to be due on this debenture. Dated the  
day of

To the receiver general of the customs, in the port of  
London.  
Received by me

*Debenture for Linens not exceeding 18d. per Yard.*

LONDON, Nesbitt and Stewart did enter with us the 31st October 1802, in the Mary, Charles Corey, per Tobago, three thousand yards linen value sixpence, not exceeding eighteen-pence per yard, made of hemp or flax in Great Britain, not striped, chequered or printed, or painted, or made into buckrams or tilletings, and of the breadth of twenty-five inches or more; and bond is taken in the penalty of three hundred fifty pounds, that the linen above-mentioned shall be exported, and that no part of the said linen shall be reloaded, or brought on shore again into any port or part of Great Britain, Ireland, the Isle of Man, or the islands of Faro or Ferro, or in any other part or place than Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East Indies.

Maketh oath, that the linens above-mentioned, shipped as here certified, are of the breadth of twenty-five inches, or more, value sixpence a yard, and that the true value and price thereof doth not exceed eighteen-pence a yard, and that all the said linens are exported to parts beyond the seas,

and not landed, nor intended to be reloaded in Great Britain, Ireland, or the Isle of Man, or the islands of Faro or Ferro, or in any other part or place than Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East Indies.

Sworn, and the above signature  
acknowledged before me

The money to be paid for the linen }  
within mentioned amounts to }

Pay or allow to the sum of  
being certified as above to be due  
on this debenture. Dated the day of

To the receiver general of the customs, in the port of  
London.

Received by me

*Debenture for British made Sail Cloth, and Oath.*

In the

Debr.

British made sail cloth.

Maketh oath, that the sail cloth above-mentioned was made in Great Britain, and is actually exported and shipped by way of merchandize, without any intention to be reloaded in any part of Great Britain, or the islands of Faro or Ferro, and that no former reward was made for the same sail cloth by virtue of the act of parliament of the 12th year of her late majesty queen Anne, and of the 4th year of his late majesty George the second.

Sworn, and the above signature  
acknowledge before me

When the money is received on this debenture, a receipt is given, as follows: Received—(Vide indorsements on the above debentures).

OF GOODS REIMPORTED. When goods which have been regularly imported, have afterwards been exported, and are required to be again imported into any part of Great Britain, although such goods may be prohibited to be originally imported from the place from which the ship now returns, all such foreign goods reimported must pay the duty *de novo*, being considered as a new importation, and must go through the same process of entry accordingly. A certificate also from the consignee must be produced, certifying that they are the identical goods received from the port from whence they were shipped.

When goods of the product or manufacture of Great Britain, which have been exported to foreign parts, are required to be returned into any port of Great Britain, a bill of store may be granted as follows, for the landing and delivering the same, upon application to the searcher, &c. for a certificate or duplicate of the entry outwards, in like manner as before directed for foreign goods.

*Store or Victualling Bill per the Ship*

	Burthen	Tons.
Master per		
Men		
Barrels beef		
Do. pork		
Do. small beer		
Do. strong beer		
Chaldrons coals, &c. &c.		

The stores permitted to be shipped for the ship's use, are regulated according to the voyage and number of men.

Afterwards an entry must be made in the book inwards, as for foreign goods imported, and the collector, customer, and comptroller, having subscribed their names underneath the merchant's oath, the same will be directed to the surveyor and proper land-waiter, as a warrant for their delivery of the goods. It often happens, on account of the distance of time, the loss of papers or accounts, or some other casualties, that entry outwards cannot be pro-

cured; in that case there cannot be any further proof than the oath of the merchant, which is made and taken as follows:

*Oath of the Merchant, and Affidavit.*

In the Reward, John Leach, per Jamaica.

N. Pughs and Co.

Oct. 31, 1794.

M. 821.

9 cwt. Refined Sugar in whole Loaves.

Outward.

John Pycroft, for Pycroft and Warde, maketh oath, that they sold four hundred weight, one quarter, seventeen pounds refined sugar, to Pugh and Co. 2d Oct. 1802; that the same was in whole loaves, that hath gone through the operation of two or more loys since last in the pans, and hath been thoroughly dried in the stove, according to the true intent and meaning, act 5 Geo. III.; that the same was produced from Muscovado sugar, which, as he verily believes, was imported from his Majesty's plantations in America, since 3d April 1781; and that the several duties payable thereon, were duly paid at importation.

John Pycroft.

Sworn before me, Nov. 8th, 1802,

G. Brathwaite.

Arthur Rydir, for Pughs and self, maketh oath, that the four hundred weight, one quarter, seventeen pounds refined sugar, in whole loaves, above mentioned, bought of Pycroft and Co. was the identical sugar exported in the Reward, John Leach, per Jamaica.

Arthur Rydir.

Sworn before me, 13 Nov. 1802,

W. Pingom.

An entry must be made in the book inwards, and this oath must be subscribed and directed as a warrant for the delivery of the goods, in like manner as when the original entry is proved.

By stat. 39 Geo. III. c. 87, corn is admitted to be imported free of duty, and prohibited to be exported;

and, by order in council, dated December, 1801, it is continued in force till the 1st January, 1803.

(*V. Gazettes in December, 1801.*)

Officers of the navy and army, on actual service, are allowed their wine duty free.

*Form of a Wine Debenture, for Officers of the Army and Navy on actual Service.*

London, R. S. on the 23d February 1802, entered outwards, at the custom-house in this port, to be shipped on board his Majesty's ship of war, in actual service, for the consumption of the York.

The duties consolidated, and additional duty, 1796, were paid inwards for thirty-two gallons per man.

And it doth appear by the certificate of the collector inwards, and for further manifestation of the just dealing herein, he hath taken the oath before us for the same.

Custom-house, London, the day and year above-said.

Maketh oath, that the wine mentioned in this debenture, is intended for the use of lieutenant or captain of his Majesty's ship of war the York, in actual service, and for actual consumption on board the said ship.

*The Fees and Allowances that are due and payable to the Officers of his Majesty's Customs, in the Port of London, pursuant to the Act 12 Cha. II. Chap. 4.*

Cus- Comp- Sur- Survey-  
tomer. troller. veyor. Gen.  
s. d. s. d. s. d. s. d.

To a cloth cocquet, by English					
freemen of London	-	0	6	0	4
For a stranger's cocquet, or unfreeman	-	0	8	0	6
For a cloth certificate, by strangers or English, to pass according to the old rate	0	8	0	4	0
For a ship's entry crossing the seas	-	0	4	0	4

Cus- Comp- Sur- Survey-  
tomer. troller. veyor. Gen.  
s. d. s. d. s. d. s. d.

For a ship's entry to the Streights, or Canaries, or Western Islands	-	1	0	1	0
For clearing of ships and examining books	-	1	0	0	6
For every endorsement	-	0	4		
For making a bond to the king's use	-	-	-	0	6
For every entry in the certificate book	-	-	0	2	
To the customer's clerk for a cloth cocquet or certificate	0	6	0	2	0
For a ship's entry crossing the seas	-	-	-	0	4

#### *Subsidy Outwards.*

For every ship's entry within the Levant, or beyond the Streights mouth	-	1	0	1	0
For every ship's entry going to any foreign parts	-	0	4	0	4
For every ship's entry going to the outports	-	0	2	0	1
For clearing of every ship passing to foreign ports, and examining the contents of the ship	-	1	0	0	6
For every English cocquet by freeman	-	0	8	0	4
For every stranger's cocquet, or unfreeman of London	-	1	0	0	6
For making every certificate cocquet, as well English as strangers, for goods which paid subsidies inwards, and pay no subsidy outwards	0	8	0	4	0
For every certificate upon warrant from his majesty, or the lords of the Treasury, paying no duties	-	1	6	0	8
For endorsements of warrants and licences	-	-	0	4	0
For passing bill, licensing such					

# CUS

Cus. Comp. Sur. Survey.  
tomer. troller. voyor. Gen.  
s. d. s. d. s. d. s. d.

as bring in victuals, to carry out some beer, as by store - - -	0 6	0 6	0 6	0 6
Coast sufferances are to be given without fees				
For every coast cocket outwards, and entering in his majesty's books, for a whole ship or vessel passing into the open sea - -	1 0	0 8	0 8	0 8
For a bond for the same - -	0 6			
For discharging the same bond; filing a certificate to the said bond - -		0 4		
For making every certificate of return - - -	1 0	0 2	0 2	0 2
For making, entering, and keeping an account of every debenture for repaying of half the subsidy, or other sums of money -	1 0	0 4	0 4	0 4
For making and entering a transire or let pass from port to port, in England, Wales, or Berwick - -	0 4	0 2		
To the clerks for cocket, by English or others -	0 4	0 2	0 2	0 2
For a ship's entry crossing the seas - - -	0 4			
To the clerk of the coast cockets, for making a bill or ticket to the lord mayor, for corn, victuals, or other provisions - - -	0 4			

## Petty Customs Inwards.

For every stranger's warrant	0 2	0 2	0 2	0 2
For every bond -	0 6			
For every bill at sight	1 0			
For discharging every bond	0 6			
For every great employment to employ the proceed of goods - - -	0 6	1 0	1 0	1 0

# CUS

Cus. Comp. Sur. Survey.  
tomer. troller. voyor. Gen.  
s. d. s. d. s. d. s. d.

## Subsidy Inwards.

For every warrant by English freemen of London -	0 4	0 4	0 4	0 4
For every warrant for strangers or unfreemen -	0 6	0 6	0 6	0 6
To the clerk for making the shipper's entry -	1 0			
For making a bond to his majesty's use - -	0 6			
For every oath administered by the collector -	0 2			
For a shipper's entry, with the particular contents, viz. From the East Indies	2 6			
Do. from the Streights	2 6			
For a shipper's entry, with the particular contents, viz. From Spain, Portugal, and the West Indies, or English plantations -	2 0			
Do. from Dunkirk or France	1 0			
Do. from Flanders, Holland, Ireland, or any eastern or northern parts -	1 0			
For every ship or vessel less than 20 ton - -	0 8			
For every stranger's ship to pay double fees.				
For every certificate of foreign goods imported to be shipped out free of subsidy eighteen pence, which is understood sixpence for the search, although several ships, and twelpence for the certificate - - -	1 6			
If the goods be under 20l. according to the book of rates, the merchant is to pay the certificate in all but -	0 6			
For examining and comparing every debenture with the original certificate -	0 4			
For				



For a certificate of foreign goods coming from any of the out-ports of London, or from any other port within this nation	-	0	6	0	2	0	2	0	2
For goods sent by sea by the importer thereof to any of the out-ports from London	0	6	0	2	0	2	0	2	0
For casting up the sum, and keeping an account of every debenture, and paying, the money	-	-	0	8					
For every bale, pack, truss, chest, case, or other package brought into the king's warehouse; to be allowed to the officer when the merchant is short entered above five shillings; to be paid to the proper officer twopence.									

*Great Customs.*

For a cocket for calf-skins	2	0	1	0		
For a coast cocket outwards of wool, woofels, leather, skins, and hides	-	-	2	0	1	0
For a bond to his majesty's use	1	0				
For filing the return	-		0	6		
For a return and discharge out- wards	-	-	2	4	1	0

*Fees to be paid to the Clerks concerning several Officers, as well Inwards as Outwards.*

For every bill of postage	0	6	0	3	0	3	
For a second bill or parcel-							
cocket outwards	-	0	2	0	2	0	2

*To the King's Waiters, received in the Custom-House above Stairs.* s. d.

For every Englishman's foreign goods or merchandizes, of what nature soever, paying customs inwards in the port of London, or coming thither from any place or port by cocket	-	-	-	1	0
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For every stranger's foreign goods in like manner paying custom inwards in the same port, or coming thither by cocket	-	1	6
For certifying every cocket of English goods brought up to London	-	1	6
<i>To the King's Waiters, and others attending, received at the Water-Side, to be divided as formerly.</i>			
For a bill of store, or portage of any thing above 10s. customs	-	-	1 0
For a bill of sight, bill of sufferance, or any other imperfect warrant	-	-	1 0
For wools, woolfels, leather, hides, and prohibited goods from the out-ports by cocket	-	-	1 0
<i>Register of the King's Warrants.</i>			
For every English warrant for goods inwards	-	-	0 2
For every stranger's warrant	-	-	0 4
For every foreign certificate	-	-	0 4
For all goods not paying 20s. custom, whether in or out, there shall be but half fees taken, whether for warrants, cockets, transives, debentures, or certificates	-	-	

*To the Usher of the Custom-House.*

For every oath administered by the king's officers outwards	-	-	0	2
For fees of the chief searcher, and his majesty's under-searchers in the port of London	-	-		
<i>Between the Chief Searcher and five Under-Searchers.</i>				
For every ship that passeth into Spain, Portugal, the Streights, West Indies, Guinea, or the Western Islands	-	-	6	0
For every ship that passeth to the East Indies	10	0		
All other English ships to foreign parts	4	0		
For every stranger's ship or bottom	-	6	8	

*Dues to his Majesty's free Under-Secretaries who attend at London.*

*English and Aliens.*

For every certificate for shipping out goods formerly imported	-	-	2	0
But if the half subsidy to be received amounts but to 40s. then	-	-	1	0
<i>To be paid by English and Aliens for Goods that pay Subsidy, and pass out by Cocket or Warrant.</i>				
Pipe, punchoon, or butt	-	-	0	4

Hoghshead

Hogshead or bag	-	-	s. d.
Tin, the block or barrel	-	-	0 2
Beer, eager, wood of all sorts, copperas, alum, and such gross goods, per ton	-	-	0 4
Corn the last, sea-coal the chaldron, beer the ton, lead the fodder	-	-	0 2
The maul, fat, or pack	-	-	0 6
The bundle, bale, chest, or case	-	-	0 3
Raisins or figs the 20 trails or barrels	-	-	0 3
For every coast certificate or cocket	-	-	1 0
Transires for the coast free.	-	-	
For every horse, mare or gelding	-	-	1 0
For certifying every debenture for receiving back half subsidy, &c.	-	-	0 6
For every piece of ordnance	-	-	1 0
For the endorsement of every cocket	-	-	1 0
For every certificate out of their books of goods lost at sea, taken by pirates, or returned, whereby so much may be shipped custom free	-	-	1 0
For every bill of suffrance or store above 10s. in the book of the rates	-	-	1 0
If under	-	-	0 6
The fardle or truss by English of 3 cwt. or upwards	-	-	0 6
Woollen cloth the bale, not exceeding 5 cloths, 3 cwt. snuffs, bays, or says	-	-	0 3
<i>Merchants, Strangers, or such as ship on Strangers Ships or Vessels.</i>			
The fardle or truss	-	-	1 0
The bale	-	-	0 6
<i>The Fees of the two Searchers at Gravesend.</i>			
For every ship that passeth over the seas for Spain, Portugal, Streights, the West Indies, Guinea, or the Western Islands	-	-	6 0
For every ship to the East Indies	-	-	10 0
For all other ships in foreign parts	-	-	4 0
For every stranger's ship or bottom	-	-	8 0
For every ship having a coast cocket	-	-	0 4
For passengers outwards not being merchants or mariners	-	-	0 6

By the act of the 6th and 7th of William and Mary, officers of the customs in London and the outports are allowed to take and receive fees and gra-

tuities for attending at times and places not required by law; and which, by usage, is readily paid by merchants for the greater dispatch of business.

**CUSTOMS INWARDS.** On a ship's arrival in the river, the ship's broker must take an exact account of her loading from the captain's manifest, and report the same at the custom-house, which he does by making two copies, the one on a blank sheet of paper, and the other on a paper, with the oath to be taken by the master of the ship printed on it, given by the clerk of the ship's entries at the custom-house. The collector inwards, or his deputy, who attends in the Long Room, administers the oath to the master, and the report is made in the following form, viz.

*Manifest and Oath.*

Inwards.

Port of } IN the ship  
 London. } built, property all about  
           } tons, with men,  
           } men, } besides  
           } a man, master for  
           } this present voyage from

I. K.                      1 bale

*Presents.*

I. G. 1 box or 1 case.

Oath,

I DO swear, that the entry above written, now tendered and subscribed by me, is a just report of the name of my ship, its burthen, built, property, number and country of mariners, the present master and voyage: and that it doth further contain a true account of my lading, with the particular marks, numbers, quantity, quality, and consignment of all the goods and merchandizes in my said ship, to the best of my knowledge; nor have I any goods, wares, or merchandize, the growth, produce, or manufacture of Turkey, or of any place in Africa within the straits of Gibraltar, or in the West Barbary on the Atlantic ocean; and that I have not broke bulk, or delivered any goods out of my said ship since her loading in

So help me GOD.

Sworn before us,  
 the

day of

After

After making a true copy of the manifest on the said two sheets of paper, you must go to the bench officers in the Long Room, accompanied by the master, and read the two manifests over with him, of which he retains that wrote on the plain sheet; and the other with the printed oath you must return to the clerk of the ship's entries (from whom you received it), who, after examining the master concerning the ship, swears to the manifest; a copy is then taken by the assistant clerk of the ship's entries, who attends the board with his parchment-book, wherein is inserted the name of the ship, the master, and from whence, in order for the commissioners to appoint such landing-waiter to the ship as the contents of the cargo may require.

Every merchant enters his goods from his bill of lading as soon after the ship is reported as possible, to prevent a charge for demurrage, and he must draw out the warrant in the following manner.

In the Sarah, William Birmingham, New-York.

*John Westwood.*

I. K. } No. 1 containing  
1 Case. }

Value ten pounds.

John King, importer of the goods mentioned on this warrant, doth hereby declare, that he enters the same at the value as above specified.

Witness my hand this      day of      1802.

*John King.*

Signed and declared  
before us

N. B. This declaration is only on goods at *ad valorem*.

If goods which pay a rated duty, the warrant must be made in the following form, viz.

In the Johanna, Capt. F. S. Taay, a Riga.

On British account.

*Thomas Gardyne.*

T. G. }	} 45 bundles containing 6 tons of rough hemp.
O. H. }	
T. G. }	
P. H. }	
	32 do.

*Post Entry.*

In the Johanna, Capt. F. S. Taay, a Riga.

*Thomas Gardyne.*

Two tons, thirteen hundred weight and a half, and sixteen pounds weight of rough hemp.

*Indorsement on the Warrant for Allowance for Damage.*

Adjudged on eight tons, thirteen hundred weight, two quarters and sixteen pounds net of rough hemp, three-fourth parts for damage.

Certified, Nov. 1802—No. 109.

Signed, *Richd. Troughton,*

*Thos. Harvey.*

Of which warrants the merchant makes six bills (as to every check a bill is given, there being six checks), if scavage duty, eight bills, whereof one must be wrote in words at length, which one is to pass, and is called a warrant; in the other bills the contents may be expressed in figures, which are all delivered to the collector (if wine, to the wine collector, and plantation goods, except rum, to the plantation collector) who attends in the Long Room, for that purpose, from ten in the morning till one in the afternoon; and having paid the customs to the collector inwards, the entry is read out with the warrant, which warrant is taken from the clerk of the warrants by the landing waiter appointed to the ship, who signs an order for the delivery of the goods.

If upon the discharge of the ship it should appear that any part of the cargo has been omitted in the master's report, and that no fraud was intended, the commissioners must be petitioned, stating the true circumstances of the case, and praying leave to amend the report, which they usually grant, and order, that the goods so omitted may be added to the report, which is sworn to *de novo*.

When the report is made, the ship's broker having procured the name of the landing-waiter who is appointed to the ship, the merchant applies to his agent, to whom he gives the bill of lading, and sends to the officers on board the ship, the landing-waiter having signed a note wrote by the merchant, or his agent, after the following form, viz.

Mr. —, tide-waiter on the ship Hope, Wm. Hall,  
a Jamaica.

Deliver the bales, &c. marked as undermentioned.

I. G. No. 1 to 30, bales of cotton.

T. S. No. 1 to 50, casks of coffee.

Signed J. H. Landing-Waiter

Custom-House,

to the Ship Hope.

Nov. 1802.

On a lighter's arrival with goods from the ship, the ship's

ship's broker provides a book ruled in the same form as the landing waiter's, wherein he enters the marks and numbers of each parcel as they are landed; and as soon as the lighter is delivered, he gets the surveyor to give him an account of the damage, if any, upon the goods.

When the goods are weighed, measured, or gauged, and the merchant has got an account thereof, and finds his prime entry already made too small, he must make a post entry for the surplusage in the same manner as the first entry was done; but here it is to be observed, that post entries are not allowed on sundry goods, as linens, chip and straw hats, &c.; and in wines the merchant may make his prime and post in one entry.

When an over-entry has been made, and more paid or bonded for customs than the goods really landed amounts, the landing-waiter and surveyor must signify the same upon oath, made and signed by the person so over-entered, as follows: "That he, or any person to his knowledge, had not any of the said goods over-entered on board the said ship, or any where landed the same without payment of customs;" which oath must be attested by the collector and comptroller, or their deputies, who compute the duties, and set down on the back of the certificate, first in words at length, and then in figures, the several sums to be paid, upon which a certificate of over-entry is granted, or the duty overpaid may be returned by special certificate.

#### *The Certificate.*

"This is to certify, that Thomas Hallah did enter and pay custom inwards in the ship Matthew, W. Jeffrey, master, from Jamaica the 17th day of January 1802. For forty-two gallons of Spanish wine.

And we the officers under-written, did examine the goods at the delivery thereout out of the said ship, and found no more than twenty-six gallons of Spanish wine

So that the said merchant over-entered sixteen gallons of Spanish wine

And for farther manifestation of the truth thereof he hath made oath, that neither he, nor any other

person, to his use or knowledge, had any of the goods so over-entered aboard the said ship, or in any place landed, without payment of custom.

Dated at the Custom-House,

November 20th, 1802.

	Paid.	Bond.
Consolidated customs, two pounds	2 0 0	
New duty 1796, two pounds	2 0 0	
Goods and shipping 1798, three shillings	0 3 0	
	4 3 0	

You are to allow to Thomas Hallah }  
the sum of four pounds three shil- }  
lings, as above certified; and this } 4 3 0  
with the acquittance for the same, }  
shall be your warrant. }

Dated at the Custom-House aforesaid,  
the 20th day of November 1802.

To Augustus Pechell, Esq. Receiver-General and  
Cashier of his Majesty's Customs.  
*Certificate of Over-Entry, London.*

This certificate is to pass, and  
to be paid to the merchant,  
without any fee, gratuity, or  
reward, by any officer or  
clerk on this post.

As the difference is considerable between the several duties paid by British subjects, and those paid by foreign ships, it is permitted, that any British merchant may custom in his own name the goods of any other British merchant; so may one merchant-trader enter the goods of another merchant-trader. But by the stat. 1 Eliz. c. 11. s. 6, it is enacted, "That no persons, denizen or stranger, do enter, or cause to be entered any manner of goods, wares, or merchandizes from any parts beyond the seas into this kingdom, or going to be transported beyond the same into any other parts beyond the seas, in the name or names of any other person or persons than the true owner or owners thereof, being not sold, bargained, or contracted for, to or with any other person or per-



sons, before such entry, or before the arrival of such goods, wares, or merchandize in the parts beyond the seas, on forfeiture of the value of the goods so entered.

*Bills of Sight.*

When a merchant is ignorant of the real quantities or qualities of any goods that should be consigned to him from his correspondent, so that he is not capable of making a perfect entry of the same, he must acquaint the collector or comptroller thereof, and desire a *bill of sight* or view, in order to have them brought on shore and examined; when, upon the merchant making oath of the same, and depositing such sums of money in the collector's hands as may be conjectured to be sufficient to answer the duties, such bill will be granted.

*Bill of Sight.*

In the

SIGHT

on

Account

maketh oath, that neither himself, this deponent, nor any other person whatever for him, to his knowledge or belief, have received sufficient invoice, bill of lading, or other advice, from whence the quality, quantity or value of the goods above-mentioned can be ascertained, so as to make a just and perfect entry thereof, until the same shall be examined by some of the officers of his majesty's customs.

Sworn before me, this  
day of

Let this sight pass for the goods above-mentioned, taking a deposit sufficient to secure the customs; the goods are to be landed, examined, and not to be delivered until his majesty's duties are fully paid, which is to be done within three days after the examination, then this sight is to be returned to the patent officers to be perfected.

Dated this

Deposit

Almost all goods, wares, and merchandize imported pay duties, and are delivered either by tale, weight, measure, or gauge; those which pay duty by tale, at the delivery to be tallied at 1, 10, 20, &c. according to the nature of them; and very seldom a port-entry is allowed to be made on goods by tale.

Goods paying duties by weight are weighed at the king's beam; at landing the goods, the weigher calls out the full and true gross weights in the scale, which the landing-waiter and the ships' broker are to enter into their books; and from the total of the said gross weight is to be made an allowance, in consideration of draft, according to certain weights settled by usage, except tobacco of the British plantations, which is to be allowed two pounds for every hoghead of 350lbs. or upwards.

The allowance for draft being deducted, there is in most cases a further allowance to be made out of the remaining weight, called tare, being a consideration for the outside package that contains such goods, such as chests, casks, bands, paper, thread, &c.

Several sorts of goods have their tare ascertained, and those tares must not be altered or deviated from in any case within the port of London, unless the merchant or the officers desire that the goods may be unpacked, and the nett weight taken; but this must not be done but by the consent of two landing-surveyors, attested by their hands in the landing-waiter's books; and in the out-ports, not without the consent of the collector and surveyor. And as to those goods which have not their tares ascertained, two landing-surveyors in London, and the collector and surveyor in the out-ports are to adjust and allow the same in like manner.

Goods delivered by measure are under three different regulations.

Such as linens particularly, which are measured by running measure, being no more than taking the length of the piece from the one end to the other.

Pictures, grave and paving stones, and marble tables, are measured by square and superficial feet.

Marble blocks and timber are measured by solid or cubical measure.

Goods delivered by gauge are wine, &c. and all excisable liquors, whose quantity to be entered may be pretty nearly determined by considering the size of the cask.

T f

Beob

Before any goods are delivered by virtue of any warrant, the same must be copied in the landing-waiter's books, distinguishing the date, and number of the entry, the merchant's name, the total duties paid, the particular packages, with the marks, numbers, and quantities of the goods for which the duties have been paid.

On the delivery of the goods, underneath the said copy of the warrant must be inserted the manner of the delivery, as the number, weight, measure, or gauge, with the respective allowances for draft and tare, where the same are to be allowed; from the total whereof the quantity first entered being deducted, the remainder is the quantity for which a post or additional entry is to be made; and when the same is made, the date and number of such entry must be inserted opposite the said short entry.

In making entries, it is usual for merchants to include all the goods they have on board the same ship in one, notwithstanding they may be of several denominations; and as all goods, wares, and merchandize brought from parts beyond the sea into this kingdom by way of merchandize, and unshipped to be laid on land, are forfeited unless the subsidy, customs, and other duties thereof are paid or tendered to the collector, &c. or agreed with for the same, it is a matter of favour and indulgence to prevent such goods and merchandize from being seized and condemned; and though in goods delivered by weight and gauge, it is almost impossible to make a perfect entry before landing, yet in goods delivered by number and measure, there cannot be any excuse or pretence for a short entry.

For the tares allowed at the custom-house, *vide* printed book of tares arranged alphabetically on the respective goods imported.

The following are the lawful and public quays and wharfs for the shipping and landing of goods, viz.

Brewer's quay,	Ralph's quay,
Chester's quay,	Dice quay,
Galley quay,	Smart's quay,
Wool quay,	Somer's quay,
Custom-house quay,	Lyon's quay,
Porter's quay,	Botolph wharf,
Bear quay,	Haman's quay,
Sabb's dock,	Gaunt's quay,

Wiggin's quay,

Young's quay,

Billingsgate, to be a common open place for the landing and bringing in of fish, salt, victuals (all manner of grocery excepted) or fuel of all sorts, and all native materials for building, and for carrying out the same, and for no other wares or merchandise.

Cox's quay,

Fresh wharf,

Bridge-house, in Southwark, is only allowed for landing of any kind of corn for the city of London, and not for any private or particular person's account.

The time appointed for shipping and landing of goods at the above quays and wharfs, between the tower of London and London bridge, is betwixt sun-rising and sun-setting, from Michaelmas to Lady-day, and between the hours of six of the clock in the morning and six in the evening, from Lady-day to Michaelmas, giving notice thereof to the respective officers appointed to attend the lading and unlading of goods; and such officers as shall refuse upon due calling to be present, shall forfeit five pounds for every default.

Any person may ship or load on board any ship or vessel on the river Thames, bound to parts beyond the sea, horses, coals, beer, ordinary stones for building, fish taken by any of his majesty's subjects, corn or grain, the duties being paid, and the regular cockets and warrants duly passed for the same; likewise deal boards, balks, and all sorts of masts and peat timber may be unshipped and laid on land, in the presence of an officer, at any place between Limehouse and Westminster, the owner first paying the custom duties and procuring a licence, and declaring the place he intends to land the goods before he unships them, otherwise the goods are forfeited, pursuant to the act 36 G. III. c. 82.

When a merchant wishes to land any goods or merchandize at any other place than the lawful and public quays, a special sufferance must be granted for that purpose, as follows:

#### *Sufferance.*

In case you have a warrant passed in the name of

you may, within the lawful hours appointed for goods inwards to be unladen or landed, permit the same to be unladen into lighters, and afterwards landed within those hours, at

the merchant allowing you a moderate recompence for such your extraordinary service; care being taken that two landing surveyors, at least, be left to attend each station on the quays. Dated Custom-house, London, the

To the landing surveyors, and to the king's waiters, or their deputies, and landing waiters appointed to the said ship.

N. B. In return for the indulgence hereby granted, it is expected that the proprietor of the above-mentioned wharf, with his lightermen, servants and watchmen, shall be as careful of the security of the revenue as of the merchants property: and therefore the officers of the customs are to be extremely diligent to discover, and faithfully to report, if the duties be not paid for all the goods unshipped by virtue of this sufferance; for if any pilferage, or other misdemeanor be detected at the said wharf, whereby the revenue may be prejudiced, the commissioners are peremptorily resolved to refuse passing any more sufferances for goods to be there landed, pursuant to the notice already given to the proprietors, the 17th of February 1776. And this sufferance is granted on further condition, that the wharfinger defrays every expence attending the guarding of the above goods after they shall have been arrived at the said wharf, and until they are finally discharged by the landing waiters; and if the wharfinger or merchant shall neglect to comply with all the terms herein mentioned, they will peremptorily be refused having any more sufferances granted to them.

The baggage of all passengers from foreign parts (containing wearing apparel and necessities during the voyage) is permitted to be landed by a particular sufferance.

*Sufferance for Passengers Baggage.*

In the

## SUFFERANCE.

You may permit the goods abovementioned, at the proprietors risque and expence, to be brought up to and landed at the Custom-house or Wool quay, and to be immediately conveyed to the king's warehouse.

And, after examination, you are to certify on the back of this sufferance, how you find the said goods, enumerating the particulars.

And in case there shall be any customable goods found among them that are not concealed, you are to take care the duties thereof be paid: but if there are any goods prohibited or concealed, they will be liable to seizure.

Dated Custom-house, the  
day of 180

To the landing surveyors for the station, king's waiters, landing waiters appointed to the ship, and warehouse officers of examination.

If the baggage is from the East Indies, China, the Cape of Good Hope, or St. Helena, it is carried to the East India Company's baggage warehouse in Little St. Helen's, where the proper officers of the customs attend to examine the same; but from all other foreign parts, passengers baggage is taken to the king's warehouse at the custom-house, where the packages are examined by the surveyor or his assistants, who report after examination, (in like manner as the proper officers of the customs at the East India Company's baggage warehouse), on the back of the sufferance a particular account of the contents of the several packages belonging to each passenger, which the said examining officers certify to the commissioners, who will order such part of the wearing apparel as appears to have been worn to be delivered without entry, provided they are not of any manufacture prohibited to be worn in this kingdom, but such apparel or articles as have not been worn, and are customable, will be ordered to be entered, and such as are prohibited to be forfeited and prosecuted accordingly.

Viz. On a sufferance for

8 trunks	} containing wearing apparel, linen, &c.
5 boxes	
1 portmanteau	

the officers after examination of the said packages, indorse on the said sufferance, as follows :

Examined eight trunks, five boxes, and one port-manteau, containing 18 suits of old wearing apparel, 50 shirts, much worn; papers and books of accounts, 60lbs. of printed French bound books, three India damask night gowns, four lbs. of tea, four lbs. of chocolate, three remnants containing 30 ells plain Holland. Linen under one ell wide.

King's warehouse,	}	A. B. Surveyor,
1st Aug. 1802.		C. D. Assistant Ditto.

Whereon the commissioners order, the bound books and linen to be entered, the night gowns, tea and chocolate to be prosecuted, and the rest to be delivered.

E. F. G. H. I. K. L. M.

When passengers baggage is landed at an out-port, it is to be examined by the landing surveyor and landing waiter, who reports the contents thereof to the collector of the port, who is empowered by the commissioners of the customs in London, to give the necessary directions accordingly.

All the proceedings on the foregoing examination of the said baggage, the surveyor of the king's warehouse, and the landing waiter appointed to the ship, severally enter into their respective books, with the date of the commissioners order for delivery, &c.

When the landing waiter appointed to a ship has made a true entry of the delivery of all goods into his book (which he has delivered to him for each ship), and has perfectly adjusted the same, he is, before the said book is delivered to the jerquer (or surveyor in the out-ports where there is no jerquer), to certify the same under his hand, after the entry of the last article, thus :

This ship is regularly discharged, and all post entries duly made.

N. O. Landing waiter.

Every merchant making entry of goods, either inwards or outwards, shall be dispatched in such order as he shall come and apply; and if any officer or his clerk shall, for favour or reward, put any merchant or his servant duly attending, or otherwise delay any person so attending and making his entries as aforesaid, by his turn, to draw any other reward or gratuity from him than is lawful and limited, if the of-

ficer be found culpable, he shall upon complaint to the commissioners be discharged, and not permitted to sit in the custom-house.

Every merchant shall have liberty to break bulk in any port, and to pay custom for no more than he shall enter and land, provided that the master of such ship make declaration upon oath before two of the principal officers of the port, of the contents of his lading, and shall declare upon oath before the customer, comptroller or surveyor, or two of them, at the next port where the ship shall arrive, the quantity and quality of the goods landed at the other port, and to whom they did belong.

The officers and clerks who sit in the Long-room, &c. shall attend their several places from ten in the morning until two in the afternoon, and in the searchers and other officers of the water-guard, from Michaelmas to Lady-day, from sun-rise to sun-set; and from Lady-day to Michaelmas, from six in the morning to six in the evening.

All the officers of the out-ports shall attend every day at the custom-house of the port, from the hours of nine to twelve in the morning, and from two to four in the afternoon.

**CUSTOM OF MERCHANTS.** The *Lex Mercatoria*, or custom of merchants, like the law and custom of parliament, is a grand division of British jurisprudence. The laws relating to bills of exchange, insurance, and all other mercantile contracts, equally fall within the general laws of England, as those of marriage or murder. The custom of merchants, according to the opinion of Mr. Justice Foster, is the general law of the kingdom, and therefore ought not to be left to a jury after it has been settled by judicial determinations, 2 Burr. 1226. See *Bills of Exchange*, *Partnership*, *Insurance*.

**CUSTOMS ON MERCHANTIZE** are certain duties payable upon merchantize exported or imported, unless where from particular regulations certain rewards, bounties, or drawbacks are allowed for specific articles of export or import.

These duties were at first only granted for a stated term of years; afterwards for life, as in the reigns of Richard the Second, Henry the Sixth, and Charles the First and Second; but by three several statutes, 9 Anne, c. 6, 1 G. I. c. 12, and 3 G. I. c. 7, this duty



duty was made perpetual and mortgaged for the public debt. The customs thus imposed by parliament were principally contained in *two* books of rates, set forth by parliamentary authority; but by the 27th of his present majesty, entitled the Consolidation Act, by which all the former statutes imposing duties of customs and excise were abolished as to the *quantum*, the two books of rates formerly imposed were abolished, and a new book of rates was substituted.

By this judicious and systematic simplification of the duties, the merchant was enabled to understand and with facility to ascertain the duties he was liable to, which before were numerous and widely scattered through so many acts of parliament that even the persons concerned in collecting them, from ignorance of so complex a subject, frequently committed mistakes, whence either the merchant or the revenue were eventually the sufferers.

The following are the principal acts which have been passed relative to the customs.

By stat. 14 Rich. II. c. 10, no customer, or comptroller of the customs, shall have any ships of his own, or meddle with the freight of ships.

By stat. 20 Hen. VI. c. 5, no searcher, surveyor, &c. or their clerks, deputies, or servants, may have any such ships of their own; nor shall use merchandize, keep a wharf, inn, or tavern, or be factor, attorney, &c. to a merchant, under a penalty of 40l.

By stat. 1 Hen. IV. c. 13, and 4 Hen. IV. c. 20, customers and comptrollers shall reside upon their offices, and not make deputies.

By stat. 4 Hen. IV. c. 21, ships shall be laden in the great ports, and not in creeks.

By stat. 13 and 14 Car. II. c. 11. s. 2, no ships from beyond the sea to be longer than three days coming up from Gravesend, unless hindered by contrary winds, draught of water, &c. All entries to be made on oath.

Outward-bound ships not to take goods aboard till entry is made at the custom-house, on penalty of 100l. Ships of war bringing goods inwards to make like entries, on penalty of 100l. On refusal to make such entries, as well outwards as inwards, the officers of the customs may go on board, and take out all goods prohibited or uncustomed, that shall be found on board such ship. S. 3.

By stat. 5 G. III. c. 43, officers of the customs are empowered to search men of war and merchant-ships for uncustomed and prohibited goods. Masters, &c. suffering goods to be unpacked on board, and carried away, or put into other form or package, after the ship comes into port of discharge, shall forfeit 100l.

Goods found concealed in any ship after clearing, the master to forfeit 100l.

Persons beating or abusing any custom-house officers in due execution of their office, either on board or ashore, to be committed by the next justice of peace to prison till the next quarter sessions; and the justices of the said quarter sessions are empowered to punish the offenders by fine, not exceeding 100l. and to remain in prison till discharged by order of the exchequer, both of fine and imprisonment, or discover the person that set them to work, that he may legally be proceeded against. S. 6.

By 13 and 14 Car. II. c. 11. s. 7, and 1 Anne, stat. 1. c. 26. s. 3, no goods to be landed on any wharf, quay, or shipped off, without the presence of some custom-house officers (the port of Hull excepted by 1 Eliz. c. 11.); or goods passing by certificates, waste cocket, or otherwise, without a custom-house officer; under penalty of 100l. to be paid by the wharfingers or keeper of such wharf or quay. Goods taken from the shore into any lighter, boat, &c. to be carried on board a ship outward-bound, or taken from ships arriving from foreign parts, without a warrant and the presence of one or more custom-house officers, such lighter, boat, &c. to be forfeited, and the master, &c. of any ship inward-bound, knowing and consenting thereto, to forfeit the value of the goods so unshipped; and any carman, porter, waterman, or other person assisting in the same, being apprehended by warrant from any justice of peace, to be imprisoned, and to find surety for their good behaviour; and for the second offence, to be imprisoned two months, or till payment of 5l. forfeit. Goods carried coastwise without a sufferance to be forfeited; masters of ships taking on board such goods to take out a cocket, and give bond for delivery and discharge thereof in the port for which the same shall be entered, and to return a certificate within six months after the date of such cocket, under the hands and

seals of the custom-house officers, that such goods were there landed and discharged, under penalty of the forfeiture of the bond aforesaid.

By 13 and 14 Car. II. c. 11. s. 8, officers making false certificates shall forfeit their places and 50*l.* and are to be imprisoned a year, and incapable of serving in the customs for the future. Counterfeiting coequets, certificates, subjects to 100*l.* penalty.

By 13 and 14 Car. II. c. 11. s. 9, goods secretly exported beyond sea, uncustomed, and undiscovered by the officers of the customs, the owners to forfeit double the value, computed according to the book of rates, except for coals secretly exported, for which double the duty and custom to be collected.

Bill of entry to be subscribed by the merchant or his agent or known servant, and to contain the marks, numbers, and contents of parcels. S. 11.

Shipping less than expressed in the certificate forfeits the value, and the benefit of receiving any drawback. Goods shipped by certificate, and landed again in the same or any other port in Great Britain, Wales, or town of Berwick (unless by distress to save them from perishing, which is to be directly made known to the custom-house officers) to be forfeited, or their value. S. 12.

None but officers of the customs to seize ships or goods for unlawful importation or exportation, or for not payment of any customs. S. 15.

By 13 and 14 Car. II. c. 11. s. 18, no informer or officer to compound under one-third of the appraised value, upon penalty of losing his office.

100*l.* penalty and incapacity on officers of the customs taking a bribe, or guilty of connivance; and 50*l.* penalty on the person giving such bribe. S. 19.

Persons revealing their offence in two months to be acquitted. S. 20.

Foreign goods to be landed at the quays appointed by the customer, &c. and to be weighed, measured, and numbered, in presence of the officers particularly appointed for that purpose, who are to perfect the entry, subscribe their names thereto, and next day following give account and make report of every entry so perfected to the customer, &c. or in default shall forfeit 100*l.* S. 21.

No ship, vessel, or boat, employed for carriage of letters and packets shall export or import any

merchandise or goods (unless allowed by the customer, &c.) under the penalty of 100*l.* to be paid by the master, with the loss of his place, and forfeiture of all the goods and merchandize found on board. S. 22.

Officers of the admiralty, captains or commanders of ships, forts, castles, &c. as also justices of peace, mayors, sheriffs, bailiffs, constables, and headboroughs, and all king's officers, ministers, and subjects whatsoever, to be aiding to the officers of customs. S. 23.

By 5 G. I. c. 11. and 6 G. I. c. 21, if any ship, vessel, or boat, of the burthen of forty tons or under, wherein any brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, shall be imported into Great Britain, or into any port, harbour, haven, or creek thereof (except only for the use of the seamen then on board, not exceeding one gallon for each such seaman), such ship, vessel, or boat, with all her tackle, furniture, and apparel thereof, is forfeited and lost, and may be seized, recovered, broke up, and sold.

By 6 G. I. c. 21. s. 44, offences relating to the customs may be tried and determined in any court at Westminster.

Goods concealed in a ship after report made at the custom-house shall be forfeited; and the master shall forfeit treble the value. S. 27.

By G. II. c. 35. s. 28, persons obstructing or wounding officers doing their duty to be transported for any term not exceeding seven years.

Officers of the customs or excise may go on board of coasting vessels, and search for prohibited and uncustomed goods, producing their deputations (if required), and remain on board during their continuance in the port; and any person opposing, molesting, or hindering the said officers in going or remaining on board, or in entering and searching the cabin, or any other part thereof, shall forfeit 100*l.* S. 29.

In trials of seizures, judges to proceed on the merits, without enquiring into the form of the seizure. S. 34.

By 15 G. II. c. 31. s. 7. and 3 G. II. c. 22. s. 8, claimants of vessels seized to give security to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of that court where the vessel shall be prosecuted,

prosecuted, such vessel shall be recovered. Security in penalty of 60*l*.

By 3 G. III. c. 22. s. 1, vessels or goods seized by officers of the customs to be sold publicly (except those vessels and goods as are by law liable to be burnt) to the best bidder, at such places as the commissioners shall think proper; one moiety of the net produce, after deducting the charges of condemnation, &c. to be given to the officers who made the seizure, and the other moiety to be paid into the exchequer.

Officers of the customs and excise allowed as follows for seizing particular goods, viz. two-thirds on wrought silks of Persian or East Indian manufacture, and printed or painted calicoes. The whole upon wool. 3*d*. per lb. for tobacco and snuff burnt or destroyed according to law. 1*d*. per lb. for tobacco stalks; and for tea burnt or destroyed according to law, the officers shall be rewarded as the commissioners of the customs or excise shall think proper, not exceeding 2*s*. 6*d*. per lb. S. 2.

The king to direct how seizures by ships of war shall be divided. S. 4.

The regulations of ships of fifty tons hovering are extended to the coasts of all the British dominions. S. 9.

By 5 G. III. c. 43, unentered goods concealed in any package sent to the king's store-houses, and which shall not be entered in twenty days after the first entry of the ship and the duties paid; or goods concealed in any package brought on shore by special sufferance, and not specified therein, shall be forfeited, and may be seized and prosecuted by any officer of the customs; one moiety to the king, and the other to such officer.

Foreign spirits not for the ship's use, imported in ships of one hundred tons burthen or under, both ship and spirits forfeited. S. 27.

Rum or geneva not to be imported in less than sixty gallon casks, on forfeiture thereof (except for the use of the seamen, not exceeding two gallons for each man). S. 28.

Plantation rum, imported directly from thence in small casks, without fraud or concealment, either for the master's use during the voyage, or for the private use of merchants importing the same, or designed as presents, and not by way of merchandize, is excepted, and the commissioners, if they think proper, may

admit such rum to an entry, and cause the duties to be accepted instead of forfeiture.

Spirits shipped or entered for exportation from Ireland to any port or place not within that kingdom (except for the use of the seamen) in any vessel under one hundred tons, shall be forfeited, together with the ship. S. 30.

No drawback or bounty shall be allowed on goods exported from Great Britain or Ireland to the islands of Faro, nor any cocquet or clearance granted for exporting any goods to the said islands which are prohibited to be worn or used either in Great Britain or Ireland. S. 31.

If such goods shall nevertheless be carried and landed at the island of Faro, contrary to this act; in every such case the drawback or bounty paid or to be paid for the same shall be forfeited; and the exporter, and master of the ship, and every person concerned, shall forfeit treble the value of such goods, and the ship shall be likewise forfeited. S. 32.

The islands of Faro to be included in oaths upon debentures. S. 33.

Coffee imported in less package than one hundred and twelve pounds shall be forfeited. S. 34.

Hovering ships *under fifty tons* from abroad, having twenty pounds of coffee or goods liable to forfeiture, may be seized and confiscated. S. 38.

Officers of the customs or excise making seizures of spirits, tea, or any goods forfeited by this act, or 9 G. II. on board any ship or vessel, who shall not seize and prosecute the ship; or any goods that have been landed, removed, and carried contrary to law; or who shall not seize the boat, cart, horse, or other cattle or carriage made use of in removing the said goods, and shall not discover to the commissioners of the customs and excise the persons concerned in unshipping and receiving such goods, so that they may be prosecuted; such officers instead of the moiety shall only receive *one-third* part of the net proceeds arising by the sale of such goods. 5 G. III. c. 43. s. 39.

The following is the substance of the principal sections of the 27 G. III. c. 13, generally known by the title of the Consolidation Act:

From May 10, 1787, the duties of customs and drawbacks are to cease, except as to fines, penalties, forfeitures, &c. which may have been incurred pre-

vious to the above period; provided always, that nothing in this act contained shall extend to repeal or in anywise alter the duties of package, scavage, balliage, or portage, or any other duties payable to the city of London, or any other town corporate, within the kingdom of Great Britain. S. 1.

By s. 2, the duties contained in the schedules annexed to the act, and the drawbacks therein, are to be allowed in lieu of others, which are then to cease.

Drawbacks are not to be allowed, except the goods be properly entered for exportation, and actually shipped within three years from their importation; nor unless they are claimed within two years after being so shipped. S. 3.

Duties to be under the management of the commissioners of the customs in England and Scotland respectively. S. 4.

New duties and drawbacks to be levied and allowed in like manner as the old duties; and the penalties for offences against any acts in force on May 10, 1787, for securing the revenue, are extended to this act as far as the same are not thereby altered. S. 5.

The acts in force on May 10, 1787, relative to the customs, to remain in force, unless hereby altered. S. 6.

British-built ships, as inserted in the schedule or tables annexed to this act, shall be understood to mean British-built ships, or prize ships taken at sea by letters of marque or reprisal, legally condemned in a court of admiralty, owned, navigated, and registered according to law, and none other. S. 7.

Goods permitted to be entered duty free by acts in force on May 10, 1787, are not to be subject to duty, unless particularly charged therewith in the schedule. S. 8.

No drawback to be granted, unless allowed by acts in force on May 10, 1787. S. 9.

No goods to be imported or exported contrary to acts in force on May 10, 1787, unless permitted by this act. S. 10.

Bonds for duties may be given as heretofore (except the duties on coals, which shall be paid in ready money, without any discount, or liberty to bond the same). S. 11.

All goods imported (except diamonds, jewels, pearls, precious stones, and bullion; fresh fish British taken,

and imported in British-built vessels, owned, navigated, and registered according to law; turbot and lobsters, however taken and imported) are to be entered at the custom-house, and landed in the presence of the proper officer, who shall examine the same, and shall not deliver them out of his custody until he shall have taken a particular account of the quantities and species of such goods. S. 12.

If more than three dozens of bottles, or ten gallons in casks of wine imported into any outport, be carried therefrom to within 20 miles of London, without a certificate that the difference of the duties at London and the outport is paid, such wine, together with the casks containing the same, may be seized by any officer of the customs or excise. S. 13.

If wine so removing from an outport to London, for which the duties have been duly paid, should be staved, the owner shall be repaid the difference of the duties at the outport and at London. S. 14.

The 16th recites the book of rates of the 12 Car. II. and the 11 G. I. and enacts, that all goods whose duties are not fixed by the schedule annexed, shall be liable to the duties, and entitled to the drawbacks set forth in another table therein referred to.

To prevent frauds in the representation of the value of the goods, the following equitable regulation is prescribed:

The proprietor himself shall declare the value of the goods imported or exported; and if this should appear not to be a fair and true estimate, the goods may be seized by the proper officer, and four of the commissioners of the customs may direct that the owner shall be paid the price which he himself fixed upon them, with an advance of 10l. per cent. besides all the duty which he may have paid; and they may then order the goods to be publicly sold; and if they raise any sum beyond what was paid to the owner and the subsequent expences, one-half of the overplus shall be paid to the officer making the seizure, and the other half to the public revenue. S. 17, 18, 19, 20.

Collectors of the customs to account for money received for sale of goods undervalued as for duties granted by this act.

The East India Company to pay, at the times they become due by law, their duties to the receiver-general



neral of the customs, whose receipt shall be received as cash by the collector. S. 26.

Duties collected in the port of London to be paid to the receiver-general on the days they are received. S. 27.

Monies due on debentures for drawbacks or premiums, if due in London, to be paid by the receiver-general. S. 28.

Such debentures not due in London may be paid by the respective collectors at the outports. S. 29.

This act not to alter or affect any bounty or premium now payable out of the revenue of the customs. S. 30.

By s. 31, the rules and regulations annexed to the two books of rates of 12 Car. II. and 11 G. I. are repealed.

Fish caught by any vessels built in his majesty's dominions, and owned by his majesty's European subjects, may be imported without paying any duty. S. 32.

If goods on which duties are payable according to their weight, &c. should be damaged on the voyage, a proportionable allowance out of the duties shall be paid to the merchant, to be ascertained in the following manner: On proof of such damage previously ascertained, in the manner required by law, the principal officers of the customs, or any two of them, whereof the collector for the time being shall be one, shall have power to choose two indifferent merchants, experienced in the value of such goods, who upon viewing the same shall certify and declare, upon their corporal oaths, first administered by the said officers, who are hereby authorized to administer the same, what damage such goods shall have received, and how much the same are lessened in their true value, according to such damage; and thereupon the proper officers shall, and they are hereby authorized to make a just, reasonable, and proportionable allowance to the merchant, by way of return or payment, out of the duties due, and which shall have been actually paid for the same. S. 33.

Goods to continue to be laden and unladen, and officers of the customs to attend at the same hours, and the same fees to be received, as now established by law. S. 34.

By 30 G. III. c. 43, in all cases where any ship, ves-

sel, boat, or goods of what kind soever, shall be seized by any officer of his majesty's customs, the commissioners of the customs may order the whole, or any part of the expences of seizure, custody, removal, detention, or prosecution of any such goods whatsoever, whether such goods be condemned or not, and the charges and expences arising from the condemnation and sale, or other disposal of any such goods, whether the produce of such sale shall be sufficient to answer the charges and expences or not, to be paid out of his majesty's share of the produce arising by the sale of seizures which shall have been or may be seized and condemned; and every officer who shall have made any such seizure shall be allowed his share of the net produce arising by the sale or other disposal thereof in full, without deducting therefrom the said charges and expences, or such part thereof as such officer was by law entitled unto before the making of this act; the residue to be applied by the commissioners to such purposes as his majesty's share of the produce of such shares is applicable unto.

By 33 G. III. c. 70. s. 5, commissioners of the customs are to direct officers to make proportionable allowances out of duties for goods damaged on the voyage.

By 34 G. III. c. 50. s. 5, persons obstructing officers of the customs in the due execution of their office, or aiding or assisting in such obstructions, shall be committed; and being duly convicted, shall be sentenced to hard labour on the river Thames, or other navigable river in Great Britain, for any term not exceeding three years.

By 36 G. III. c. 40. s. 12, so much of the 5 G. I. c. 11, against the clandestine running of uncustomed goods, as was continued by subsequent acts to September 29, 1795; and so much of 19 G. II. c. 34, as relates to farther punishment of persons going armed or disguised, &c. and for relief of officers in informations upon seizures, are further continued.

By 37 G. III. c. 15. s. 7, an additional duty of 51. per cent. is imposed on the amount of the duties of customs of goods imported, and 101. per cent. on the duties upon brimstone, hemp, iron in bars, or unwrought, and staves imported from any part of Europe; but these duties are not to be chargeable on warehoused

warehoused prize goods until delivered out for home consumption.

By 37 G. III. c. 97. s. 11, certain additional duties are to be paid from January 5, 1798, on importation of certain goods from the American States in American vessels.

By the 37 G. III. c. 110. s. 2, an additional duty of 5l. per cent. is to be paid on the amount of the duties upon goods imported, exported, or carried coastwise; and by the 38 G. III. the commissioners of the customs may return duties on goods accidentally lost or destroyed before landing. See *Excise, Exports, Imports, Smuggling*.

**CUSTOMS OF LONDON.** The customs of London differ from all others in point of trial; for if any of the customs be pleaded, and denied, and issue be taken thereupon, the existence of such custom shall be tried

by a writ directed to the mayor and aldermen, to certify whether there is such a custom or not, and they shall make their certificate by the mouth of the recorder.

These customs of London relate to divers particulars with regard to trade, apprentices, widows, orphans, and a variety of other matters; the custom relative to the distribution of a freeman's estate extends only to cases of intestacy, or express agreements made in consideration of marriage. See *Apprentices, Attachment Foreign, London*.

**CYDER.** See *Excise, Exportation, Importation*.

**CYPRUS**, an island in the Mediterranean, near the coast of Syria, under the dominion of Turkey. Its exports are silk, oil, wine, salt, and turpentine; the imports French and Venetian broad cloths, a few bales of English manufacture, cutlery, sugar, tin, lead, &c.

## D.

### D A M

**D**ACCA, a city of Hindoostan Proper, on the east branch of the Ganges, which communicates with all the other inland navigations. It is the powerful capital of this quarter, and is the third city of this country in point of extent and population. Here are raised large quantities of cotton and silk: and hence are exported to Europe the finest muslins of India, rich carpets, and precious embroidered stuffs. The fertility of the country of Dacca, and the advantages of its situation have long made it the centre of a great commerce.

**DALECARLIA**, a province of Sweden, full of mountains, abounding in mines of copper and iron, some of which are of a prodigious depth.

**DAMASCUS**, now called Sham, an ancient city in Syria, the capital of a Turkish pachalic, where are carried on several manufactures, particularly of sabres and knives.

**DAMAGES** are the compensation given by a jury for any injury which a plaintiff has sustained, and these

### D A M

are equitably assessed, according to the particular injury which has been received.

In personal actions, where the plaintiff recovers no damages, he will be entitled to no costs, and he can recover damages only up to the time of the commencement of his action. But unless in personal actions and under particular jurisdictions (except in trespass, where the smallest damages carry costs) the damages amount to 40s. he will not be entitled to costs.

In actions of debt, where a sum certain is demanded, the damages being nearly *nominal*, are very small; and after the master has taxed the costs, this nominal sum is added, and the whole is denominated damages.

Where excessive damages are given, the court will grant relief, either by a new writ of inquiry or a new trial.

If an action of trespass be brought against several defendants, who severally plead not guilty, the damages must be assessed jointly.

In actions upon bills of exchange, the different charges of exchange, interest, postage, protest, and re-exchange, are included in the damages, and the interest from the time when the bill would have been generally payable, down to the time when the plaintiff would have been entitled to final judgment.

By 8 and 9 W. III. c. 11, in an action upon the case, the jury may find less damages than the plaintiff lays in his declaration, but they ought not to find more, though the costs may be increased beyond the sum mentioned in the declaration for damages, and the plaintiff, in entering up judgment, may release part of the damages; but if he takes judgment for damages, exclusive of costs, to a larger amount than is laid in the declaration, this will be error.

In actions upon bond or other deed for non-performance of covenants, the jury shall assess damages for those covenants only which the plaintiff proves to have been broken, and the plaintiff may assign as many breaches as he thinks fit.

In actions upon debt for any penalty in articles, the jury ought to assess damages on the breach assigned under this statute, and shall not find the debt.

In some instances, double and treble damages are given by different acts of parliament; but if no damages were formerly recoverable, the plaintiff or defendant in such cases shall recover those damages only, and shall not recover costs.

A certain reduction of duties payable, or a return of those already paid, under the denomination of *damages*, is also allowed at the custom-house, where any goods intended to be shipped or landed are considerably deteriorated or rendered unfit for sale. See *Customs*.

**DAMIETA**, a town of Egypt, on the eastern mouth of the Nile. Its port is continually filled with boats and small vessels, which serve to convey the merchandize on board the ships in the road, and to unload them; others carry on the coasting trade. This town has a considerable trade with Syria, Cyprus, and Marseilles. Besides the finest rice in the world, the produce of this part of the country consists of linens, sal ammoniac, and corn. There are a great many villages round Damietta, in most of which are manufactures of beautiful linen, and of napkins fringed with silk.

**DANTZIC**, one of the richest and most commercial cities of Europe, and capital of Western Prussia, with a fine harbour. It was lately a free Hanseatic town, under the protection of Poland; but in 1793 it submitted to the king of Prussia, who forcibly usurped the sovereignty, in a second partition of the Polish dominions. It is seated on the Vistula, near the gulph of Angli, in the Baltic. The manufactures of Dantzic consist of woollen stuffs, serges, camblets, bays, frizes, kersey, flannels, gold and silver stuffs, embroidered waistcoats, soap, paper, steel, saltpetre, gunpowder, tobacco, morocco, shoes and slippers of different coloured leather, tanned hides, varnish, musical instruments, liqueurs, and a sort of very strong beer called prussing. Dantzic is one of the principal granaries in Europe, being the port from which all the corn of Poland is exported. On an average, 365,000 lasts of wheat are annually shipped at Dantzic. Besides corn, there is at Dantzic carried on a great trade in timber, naval stores, hemp, flax, potashes, wax, iron, steel, copper, lead, saltpetre, yellow amber, hides, poultry, wool, &c.

**DARIEN**, the isthmus or neck of land which joins North and South America. It is a province of Spain, and of great importance, not from its productions, but its convenient situation for commerce, such as is carried on with South America. The precious metals imported into Spain from Peru have generally come by this isthmus. Portobello and Panama are the chief towns, but their commerce does not increase, and, like all the establishments belonging to Spain, are, in a languishing state. The isthmus of Darien was rendered famous by the great project of Mr. Patterson, a Scotchman, who, during the reign of king William, had sufficient address to engage a number of his own countrymen to engage in a settlement there, with an intention of cutting a canal across, and thereby shortening the voyage to China and the remote parts of Asia. The plan failed, and brought ruin on many. It was on a smaller scale, like the Mississippi scheme of Mr. Law in France, and the South Sea adventure in England; but it had the merit of being better combined than either, and had real merit and solidity. The means, however, were inadequate to the end, and ruin was the consequence.

quence, as it is with all great projects when not adequately supported.

**DARTMOUTH**, a sea-port town in Devonshire, seated on the river Dart, near its fall into the sea. It is populous and much frequented, having a commodious harbour, and a considerable trade by sea.

**DATE**, an addition or appendage to a writing, not necessary either to complete the meaning and sense, but to mark the time and place when the same was written.

A deed is good though it has no date, or even if it have an impossible one, provided it can be proved that it was really and truly executed, though at another time than that expressed.

**DAUPHINY**, late a province of France, and now forming the departments of Drome, Isere, and Upper Alps. The mountains afford plenty of timber for ship-building, the vallies afford wheat, and the hills on the vicinity of the Rhone, wines, olives, and silk; mines of iron, copper, and lead also have been worked here to considerable advantage.

**DAY**. Where a person is to do a certain act, as to pay a bill, &c. he is by law allowed the whole of that day to do it in. If, however, a bill be presented upon the day when it is payable, and the acceptor denies himself to the holder, although he afterward pays the bill, this act of denial has been held to be an act of bankruptcy. See *Bankruptcy*, *Bills of Exchange*.

**DAYS OF GRACE** are certain days after the time limited by the bill, which the acceptor has a right to demand for payment of the same. These days were so called because they were formerly gratuitously allowed, but now, by the custom of merchants, sanctioned by the decisions of courts of justice, they are demandable of right. The number of these days varies according to the custom of different countries, and must always be computed according to the laws and customs of the place where the bill becomes due. Within the united kingdom three days grace are allowed; if the last of the three days happen upon a Sunday, the bill becomes payable on the Saturday.

The days of grace are so regularly taken in England, that an action cannot be brought till after the third day. On the continent, where the grace given is of much longer duration, it is sometimes

thought discreditable to take advantage of the days of grace, and then the bill is paid on the day it becomes due, according to the words contained in it. See *Bills of Exchange*, *Usance*.

**DEALER**, a person who buys and sells, or traffics in any commodity, from the profits of which he derives his subsistence. The act of *buying only* or *selling only* is not such a dealing as will bring a person under the bankrupt laws, which require the party to be a trader who gains his livelihood by buying and selling, or by a general dealing in one or several commodities. See *Bankrupt*.

**DEBENTURE** is a certificate delivered at the custom-house when the exporter of any goods or merchandise has complied with the regulations prescribed by certain acts of parliament, in consequence of which he is entitled to a bounty or drawback on their exportation, which is signed by the officers of the customs, and entitles the merchant to the receipt of such bounty or drawback. All merchandizes that are designed to be taken on board for that voyage being entered and shipped, and the ship being regularly cleared out, and sailed out of port on her intended voyage, debentures may be made out from the exporter's entries, in order to obtain the drawbacks, allowances, bounties, or premiums. See *Customs*, *Custom-house*.

**DEBIT** signifies the sums due to merchants for goods sold on credit, with which they have charged their journal or ledger. It is more particularly understood of the remainder of debts, part of which have been paid on account. See *Book-keeping*.

**DEBT**, a sum due from one person to another, in consequence of work done, goods delivered, or money or other value, for which reimbursement has not been made.

**DEBTOR and CREDITOR**, an entry so called, which is made use of by traders, in order to keep an account of their commercial transactions. See *Book-keeping*.

**DECEIT**, a trick or contrivance, by which one person leads another into an error, obtains property, &c. See *Frauds*.

**DECREE** is a sentence pronounced by the lord chancellor in the court of chancery, and it is equally binding upon the parties as a judgment in a court of law.

**DEEDS**.



**DEEDS.** A deed is a written contract, sealed and delivered. It must be written before the sealing and delivery, otherwise it is no deed; and after it is once formally executed by the parties, nothing can be added or interlined; and therefore if a deed be sealed and delivered with a blank left for the sum, which the obligee fills up after sealing and delivery, this will make the deed void.

A deed must be made by parties capable of contracting, and upon a good consideration; and the subject matter must be legally and formally set out.

The formal parts of a deed are:

The *premises*, containing the number, names, additions, and titles of the parties.

The *habendum*, which determines the estate and interest intended to be granted by the deed.

The *reddendum* or reservation, whereby the grantor reserves to himself something out of the thing granted.

A *condition*, which is a clause of contingency, on the happening of which the estate granted may be defeated.

The *warranty*, whereby the grantor, for himself and heirs, warrants or secures to the grantee the estate so granted.

The *covenants*, which are clauses of agreement contained in the deed, whereby the contracting parties stipulate for the truth of certain facts, or bind themselves to the performance of some specific acts.

The *conclusion*, which mentions the execution and date of the deed, or the time of its being given or executed, either expressly, or with reference to some day and year before mentioned.

A deed may be either an indenture or a deed-poll. The former derives its name from being indented or cut in an uneven manner, so as to tally with the counterparts, of which there ought to be as many as there are parties; the latter, or deed-poll, of which there is one part only, is so called from its being polled or shaved quite even.

A deed is the most solemn act of law which a man can perform with respect to the disposition of his property, and therefore no person shall be permitted to aver or prove any thing against his own deed.

All the parts of a deed indented constitute in law but one entire deed; but every part has the same operative force as all the parts taken together, and they are deemed the mutual or reciprocal acts of

either of the parties, who may be bound by either part of the same, and the words of the indenture may be considered as the words of either party.

If the name of baptism or surname of a party to a deed be mistaken, as John for Thomas, &c. this has been held to be dangerous, 2 *Bulstr.* 70. But any mistake, as spelling, &c. not deviating from the substance of the deed, will not render it void.

If a man gets another name in common esteem than his right name, any deed made to him under such name will be valid.

Every deed must be founded upon good and sufficient consideration; not upon an usurious contract, nor upon fraud or collusion, either to deceive bona fide purchasers or just and lawful creditors, any of which considerations will vacate the deed, and subject the parties to forfeiture, and in some cases to imprisonment.

A deed also without any consideration is void, and is construed to enure only to the benefit of the party making it.

Considerations may be divided into good or valuable; they may be also express or implied.

An express consideration is where a man contracts to do a certain act for a certain sum of money, or other equivalent act; and an implied consideration is when it may be enforced by law; thus, if a person do any work, or receive any goods from another, the law implies a consideration, which it will enforce, although there was no specific agreement for remuneration.

If the consideration of a deed be to defraud creditors, or other dishonest act, such deed will be void, and it may be averred in pleading, that such deed was executed upon a corrupt agreement, not upon the face of the deed. *Collins and Blaxter*, 2 *Will.* 341.

A deed must be written upon the proper stamps prescribed by the legislature, otherwise it cannot be given in evidence.

The written matter of a deed must be set forth in a legal and orderly manner, so as that there are words sufficient to explain the meaning of the parties, and at the same time to bind them to the execution of their contract; and of this sufficiency the courts of law are to determine.

Although it is not indeed absolutely necessary in  
law

law to have all the formal words which are usually drawn out in deeds, provided there be sufficient words legally and clearly to explain the meaning of the parties, yet as these formal or orderly parts are calculated to convey the meaning of the parties in the most clear, distinct, and effectual manner, and have been well considered and sanctioned by the wisdom of successive ages, it is prudent not to depart from them without good reason and the most urgent necessity.

A deed must not only be signed and sealed, but it must also be delivered, either by the party himself or his certain attorney specially authorized for that specific purpose; but any person executing a deed for his principal, under a power of attorney, should sign such deed in the name of the principal. 6 T. R. 176. A deed takes effect only from the day of delivery, and therefore if it have no date or a date impossible, the delivery will in all cases ascertain the date of it; and if another party seals the deed, yet if the party delivers it himself, he thereby adopts the sealing and signing, and by such delivery makes them both his own.

If A execute a deed for himself and partner, by the authority of his partner and in his presence, this will be a good execution, though the deed be sealed only once. 4 T. R. 813.

The delivery of a deed may be either absolute, that is, to the party himself, or to some third person, to hold until some condition be performed on the part of the grantee; in such case, it is not delivered as a deed, but an escrow; that is, a scroll, or writing, that is not to take effect as a deed, until such act be done, or condition performed, when it becomes, to all intents and purposes, a deed.

The signing of a deed becomes necessary, because the subscribing witness to the same may be dead; in which case, proving the death of such subscribing witness, and the hand-writing of the party, will be sufficient to substantiate the deed.

Any words, or any act of the parties, signifying their intention to such effect, will constitute a good delivery, although the instrument be not actually given into the hands of the party: thus, if the deed be sealed, and lying in a window, or on a table, and the words are used, "take it, there it is; take it as my deed," &c. this is a good delivery, and perfects

the deed; for as a deed may be delivered by words without acts, so it may be also delivered by acts without words; but *contra*, if the party to whom the deed is made takes it without any act done, purporting to be a delivery. Where the parties, however, have come for the purpose, and performed every thing except the delivery, this has been adjudged a good delivery. *Cro. Eliz.* 7. 1 *Leon.* 140.

There cannot be regularly two deliveries of a deed, for when the first takes effect, the second is void; unless where the deed is delivered to some third person as an escrow; or when a deed, originally good, becomes afterwards void; or a deed is sealed by a married woman, who, when she becomes sole, delivers it again.

The delivery of a deed may be alleged at any time after the date; but, unless it be sealed, and regularly delivered, it is no deed.

Another requisite of a deed is, that it be properly witnessed or attested; the attestation is, however, necessary rather for preserving the evidence, than as intrinsically essential to the validity of the instrument.

A deed which wants any of the essential requisites before enumerated, either with respect to parties, matter, writing, stamp, legal and orderly terms, sealing (and where necessary), signing, or delivery, is a void deed. It may also be avoided by some subsequent irregularity, as *razure*, interlining, or other alteration in any material part, unless a memorandum be made thereof prior to execution; by breaking off or defacing the seal, 5 *Rep.* 23; by delivering it up to be cancelled; but the loss of a deed, or the destruction of it, will not divest property which has once vested, by transmutation of possession, under the deed, 3 T. R. 156; by the disagreement of those whose concurrence is necessary to render the deed valid; by the judgment of a court of judicature, where it appears that the deed has been obtained by fraud, force, or other foul practice, or is proved to be an absolute forgery. 1 *Ventr.* 348. In any of these cases, the deed may be avoided, either totally or partially, according to the extent of the cause of avoidance.

If a deed be suppressed, upon proof made that it came to the hands of the party, and of its contents, the party injured will have the same benefit with re-

spect to the property, as if such deed were actually produced. An indorsement upon a deed at the time of sealing and delivery, is a part of that deed; but, if any indorsement be made after delivery, such indorsement will make a new deed. *Mod. Cas.* 237.

Deeds may be void for uncertainty, as well as for force, fraud, corruption, or disability of the parties. 11 *Rep.* 27.

A deed may be good in part, and void in part; it may be good as against one person, and void as against another. If, however, all the parts of a deed may stand together by law, no one part shall make the whole void; and if, by construction of law, the deed may have legal operation, the law will not make it utterly void, although it may not be strictly operative according to the purport of the deed. The law will further marshal and transpose clauses in deeds to ascertain their true meaning, but not to confound them; and where the words in any deed may have a double intentment, one conformable to law, and the other at variance with it, that meaning which is conformable to law shall prevail.

If a person having several creditors convey by deed the legal interest in part of his real and personal property to a trustee in trust (after deducting the expenses relative to the trust), out of the rents and profits, to pay half the surplus to the grantor for his own use, and the residue among certain creditors named in a schedule, without any intention of fraudulently delaying the creditors not named in the schedule in obtaining their demands, such deed is good in law. *Estrick v. Caillaud*, M. 34 G. III.

The deed of a surety does not extinguish the simple contract debt of the principal. 6 *T.R.* 176.

There are four principles adopted by courts of law for the exposition of deeds; viz.

That they be beneficial to the grantee or person in whose favour they are intended to operate.

That where the words may be employed to some intent, they shall not be void.

That the words be construed according to the meaning of the parties, and not otherwise; and the intent of the parties shall be carried into effect, provided such intent can possibly stand at law.

That they are to be consonant to the rules of law, and deeds shall be expounded reasonably, without in-

jury to the grantor, and to the greatest advantage of the grantee. Deeds are further expounded upon the whole; and, if the second part contradict the first, such second part shall be void; but, if the latter expound or explain the former, which it may, both parts may stand.

In construction of law, the first deed and the last will stand in force; and where a deed is by indenture between parties, none can have an action upon such deed but the person who is a party to it. In a deed-poll, however, one person may covenant with another who is not a party, to do certain acts; for the non-performance of which he may bring his action.

Where a man justifies title under any deed, he ought to produce that deed; if it be alleged in pleading, it must be produced to the court, that it may determine whether the deed contain sufficient words to make a valid contract.

The force and effect which the law of England gives to a deed under seal, cannot exist, unless such deed be executed by the party himself, or by another for him, in his presence, and with his direction, or in his absence, by an agent authorized so to do, by another deed also under seal; and in every such case, the deed must be made and executed in the name of the principal. See *Contract, Consideration, Evidence*.

DEED POLL, is a deed made by one party only, and is not indented, but is polled or shaved quite even. See *Deeds*.

DEFAMATION. Where any person circulates any report injurious to the credit or character of another, the party injured may bring an action, and recover damages proportioned to the injury he has sustained; but it is incumbent upon the party to prove that he has sustained an injury, to entitle him to damages. In some cases, however, as for words spoken which, by law, are in themselves actionable, as calling a tradesman a cheat, swindler, &c. there is no occasion to prove any particular damage, but the plaintiff must be particularly attentive to state the words precisely as they were spoken, otherwise he will be non-suited.

DEFAULT is a term used in law when a person has neglected to fulfil an agreement; in which case he is said to make default. Any person who suffers from the neglect or default of another, is entitled to a remedy

remedy by action. An agent, broker, or factor is responsible to his employer for any injury he may sustain, in consequence of not pursuing his instructions. See *Agent, Broker, Factor, &c.*

**DEFEASANCE.** A defeasance on a bond, recognizance, deed, or judgment recovered, is a condition, upon the performance of which the bond or judgment is totally defeated or undone. See *Bond, Deed.*

**DELAWARE,** one of the United States of America, adjoining to Pennsylvania and Maryland. The southern part of the state is a low flat country, and a considerable portion of it is in forests of tall, thick pines, which are manufactured into boards, and exported in large quantities into every seaport of the three adjoining states. The north part is more fertile, and produces an abundance of wheat, which is the staple commodity of the state. Its trade, on the whole, however, is inconsiderable: it is principally carried on with Philadelphia.

**DELFT,** a large town in Holland, a short way from the Hague, where there are considerable manufactures of fine and coarse cloth; but its staple is the earthen ware known by the name of *Delft*.

**DELIVERY OF GOODS.** See *Sale of Goods.*

**DEMAND,** calling upon a man for any sum or sums of money, or any other thing due. By the several statutes of limitation, debts, claims, &c. are to be demanded and made in time, or they will be lost by law.

Where there is a duty which the law makes payable on demand, no demand need be made; but if there is no duty till demand, in such case there must be a demand to make the duty, 1 *Lit.* 432. *Cro. Eliz.* 548. Upon a penalty the party need not make a demand; as if a man be bound to pay 20l. on such a day, and in default thereof to pay 40l. the 40l. must be paid without demand.

If a person releases all demands, it excludes him from all actions, duties, and seizures.

Demand also expresses the commissions or orders for goods of any particular kind, or the produce of any particular place or country. Where the demand is greater than usual, it raises the price of the article in the first instance; but if the nature of the article is such, as that the quantity produced can be augmented at pleasure, then it ultimately tends to lower the price of the article by encouraging production,

and thereby increases the competition of the producers, who in order to undersell one another, have recourse to new improvements of art, which otherwise might not have been thought of. When the nature of the article is such as cannot be produced beyond a certain quantity, such as corn, then the demand, if uncommonly great, increases the price in a more permanent manner. Many mercantile gentlemen have failed in this country, either from not understanding, or not attending to the true theory of demand. Great speculations which bear an exaggerated proportion to those of other persons, raise the price of the article at the time the purchase is made, and they tend to lower the price of the same article, in whatever markets they are offered for sale; and by the time that the operation has so far failed as to disappoint the merchant who has engaged in it, the price is probably lowered at the first place where the goods were originally bought. A proper attention to these circumstances would have prevented some great failures that have taken place within these last 15 years, particularly owing to speculations in cotton, and stuffs manufactured from that material. See *Release, Statute of Limitation.*

**DEMERARA,** a Dutch settlement in Guinea, on the north coast of South America, producing sugar, rum, coffee, and cotton. It was taken by the English in 1796, but restored to the Dutch by the treaty of 1801.

**DEMURRAGE,** is an allowance made to the master of a ship by the merchants for being detained in port longer than the time appointed and agreed for his departure. The rate of this allowance is generally settled in the charter-party.

The word days used alone in a clause of demurrage for unloading in the river Thames, is said to be understood working days only, and not to comprehend Sundays or holidays. By usage in London this difficulty is easily obviated by mentioning working or running days expressly according to the intention of the parties. *Cochran v. Retburgh and others*, 3 *Esp. N. P.* Cases 221.

Payment of demurrage stipulated to be made while a ship is waiting for convoy, ceases when the convoy is ready to depart, and if stipulated to be made while a ship is waiting for a cargo, it ceases when she is fully laden,



laden, and the necessary clearances are obtained, although adverse winds or tempestuous weather may in either case happen to detain the ship. Nor is the claim of demurrage revived, if she has once departed and is driven back. And it is now firmly established that the claim of demurrage ceases as soon as the ship is cleared out and ready for sailing. *Jameson v. Lawrie*, House of Lords, 10th November 1796. See *Insurance*.

**DENIZEN.** A denizen is an alien born who has obtained letters patent whereby he is constituted an English subject. A denizen is in a middle state between an alien and a natural born or naturalized subject, partaking of the nature of both. He may take lands by purchase, or derive a title by descent through his parents or any ancestor, though they are aliens. But by stat. 25 G. II. c. 39, no natural born subject shall derive a title through an alien parent or ancestor, unless he be born at the time of the death of the ancestor who dies seized of the estate which he claims by descent, with this exception, that if a descent shall be cast upon a daughter of an alien, it shall be divested in favour of an after-born son, and in case of an after-born daughter or daughters only, all the sisters shall be co-parceners.

With respect to the distinction between denizens and persons naturalized by act of parliament, it may be observed that the children born previous to the denization of their parent cannot inherit by descent, whilst those of a foreigner naturalized are, in every respect, entitled to the same privileges as British subjects.

As far as regards commercial privileges also, a denizen is nearly upon the same footing with a natural born or naturalized subject; for by stat. 26 G. III. Sess. 2. c. 16, the custom or additional duty on all the goods of aliens or strangers shall cease, except those to the city of London, which still retains a trifling duty called scavage on the goods of aliens.

Thus a denizen, in like manner as a natural born subject, may be owner or master of a ship, and in all commercial privileges excepting only the petty duty of scavage, which is still exacted perhaps too tenaciously by the city of London, he is considered as entitled to all the privileges of a British mariner, and with the preceding inconsiderable exceptions, to

all the immunities of a British subject. See *Aliens*, *Naturalization*.

**DENMARK**, a kingdom of Europe, situated on the Baltic Sea, divided into Terra Firma and the islands of Zealand, Funen, Laland, Langeland, Faister, Maine, Sansoe, Arroe, Bornholm, Amack, Tassing, and Spitzberg. Denmark is extremely well situated for commerce. The harbours are well calculated for the reception of ships of all burthens. The Danish dominions supply a great variety of timber and other materials for ship-building; and some of the provinces afford many natural productions for exportation. Among these, besides timber, are cattle, horses, stock-fish, tallow, hides, train-oil, pitch, iron, skins, and furs. The Danes import from England, broad-cloths, clocks, and watches, cabinet, hardware, and other manufactures. An East India company has been established in Denmark since the year 1612, which has flourished considerably. Denmark possesses the islands of St. Thomas, St. Croix, and St. John in the West Indies, also the fort of Christianburg in Africa, and carries on a considerable commerce with the Mediterranean.

A considerable article of the revenue of the king of Denmark is the toll paid by foreign ships passing the Sound into the Baltic. This was originally only a small contribution, which trading nations agreed to make for maintaining lights, but which the Danes at length converted into an exorbitant toll; and even exacted arbitrary sums, which sometimes involved them in quarrels with their neighbours, and the toll has been regulated by repeated treaties. See *Sound*.

**DEPOSIT**, is money or other property placed in the hands of another person to be redelivered according to agreement. It is also a sum of money given in part payment for a purchase made at a public auction, custom-house duties, or share of a public loan. See *Auction*, *Custom-House*.

**DEPOSITION** is an oath in writing similar to an affidavit, from which it is generally distinguished by being used principally in courts of equity and ecclesiastical courts. Depositions are also made before commissioners of bankrupt by creditors proving their debts.

**DIARBEEKIR**, an extensive province of eastern Arabic Turkey. Diarbekir, its capital, is one of the most rich and mercantile cities in Arabic Turkey. It has

several stately piazzas or market places, stored with all kinds of rich merchandize. Its chief manufacture is the dressing, tanning, and dyeing of goat skins, commonly called Turkey leather, of which the vent is prodigious. Besides this, there is another of dyed fine linen and cotton cloths, also in great request. The waters of the Tigris, it is supposed, give red leather a finer grain and colour than any other.

**DIEPPE**, a town and port of France, in the department of the Lower Seine. Its fishery of herrings and mackarel forms a great article of commerce, as do also its manufactures of lace and stuffs.

**DIRECTOR**, a person who has the direction of, or a share in, the direction of a commercial company or enterprise in trade. The East India Company, bank of England, and most public companies, are managed by a body of directors. See *Bank, East India Company, &c.*

**DISAGREEMENT** will make a nullity of a thing that had effect before: and disagreement may be to certain acts, to make them void, &c. *Co. Lit.* 380.

**DISCHARGE**, is where a man confined by some legal process performs that which the law requires, and is released from the matter for which he is confined. If an obligee discharge one obligor, where several are jointly bound, it discharges the others. See *Arrest, Bond, Payment*.

**DISCOUNT** is an allowance made upon prompt payment in the purchase of goods; it is also the sum of five per cent. allowed as interest in advancing money upon bills of exchange, or other negotiable securities due at a future period. The act of giving money for a bill is called discounting the bill, and it is one of the principal objects of banks, both public and private, to discount good bills.

The general rule laid down is, to discount no bill that has more than two months to run, and that is not drawn, accepted, and indorsed by three solvent persons. The chance that all three of them should fail within so short a period is such, that the contrary nearly approaches to a certainty. The *Caisse D'Escompte* at Paris, the name of which implies that discount was its principal object, had been established about 14 years, and circulated about four millions sterling on an average, which repeated six times a year, makes 24 millions of paper annually discounted, or in 14 years 336,000,000. yet when it was shut in the

year 1791, the whole loss incurred by failures during that time, was only about 3000l. or as 112,000 to 1. The reason why this statement is here given is, that the transactions of such establishments are generally enveloped in mystery at the time, and seldom published afterwards; as, owing to particular circumstances, the above facts were made public at the present occasion.

In some manufacturing towns in England, an article of taste, or to any particular pattern, goes always by the first price nominally; but a discount is given, and increases as improvements, abbreviation of labour, or other circumstances, reduce the expence of producing the article. Thus there are articles made at Birmingham which sell at 90 per cent. discount. See *Banking, Interest, Usury*.

**DISCOUNTING**, the act of giving ready money or cash for a bill or other obligation due at a certain day. This is called cashing or discounting. The latter term is evidently derived from the circumstance of deducting the interest from the capital sum.

**DISTILLERS AND RECTIFIERS**. Although this head more properly falls within the excise, yet as the laws relating to it are so very numerous, it has been deemed more advisable to make it a general head than to insert it as a particular article in the list of regulations relative to excisable commodities.

*Distillers for Home Consumption*. By stat. 2 G. III. c. 5. s. 12, persons who sell liquors chargeable with duty, and distil spirits, are deemed common distillers, and are liable to surveys, penalties, &c.

By stat. 21 G. III. c. 55. s. 3, all persons having wash fit for distillation, and stills of any size, are deemed common distillers.

By stat. 24 G. III. c. 41. s. 1. 7, distillers are to take out licences annually, under the penalty of 200l. if distillers of corn, or 30l. if of melasses.

By stat. 24 G. III. c. 41. s. 8, such distillers cannot by virtue of one licence carry on business in any other places; but one licence is sufficient for partners carrying on business in one house.

By stat. 19 G. III. c. 50. s. 3, distillers are to occupy tenements of 10l. per annum at least, and to pay parish rates, otherwise their entries are to be void.

By stat. 21 G. III. c. 55. s. 36, distillers are not to make use of any wash-backs, or other utensils, or of any

any rooms or places for making or keeping wash for distillation, without giving notice thereof at the nearest office of excise, on penalty of 50l.

By stat. 24 G. II. c. 40. s. 18, and 26 G. III. c. 73. s. 3, distillers are to make entries in writing at the nearest office of excise, ten days before they begin, of every stillhouse, warehouse, still, copper, tun, wash-back, cask, or other vessel used for distillation, &c. and also of all vessels for holding faints, on penalty of 50l. for neglecting to make such entries, and for applying their utensils to any other purposes than those specified in such entries, penalty 100l.

By stat. 26 G. III. c. 73. s. 3, these entries are to be made in the following form, if for a corn-distiller.

I, A. B. of                      street, in the parish of                      distiller, do hereby revoke all former entries by me made, and do make entry of the undermentioned utensils for preparing and distilling wash from corn and grain viz.

One copper for preparing and brewing worts.

One mash-tun for mashing grain.

One under-back for receiving worts from the mash-tun.

Six coolers for cooling worts.

One bub-back for making and keeping bub, ten wash-backs for fermenting and keeping wash.

One tack-back for receiving wash from the wash-backs, to be pumped into the wash-still.

One still for distilling wash into low wines, one still for distilling low wines into spirits, one low wine cask for receiving low wines from the wash-still.

One spirit cask for receiving spirits from the low wine still, and one faint-cask for receiving and keeping faints.

All these utensils are situate in my distil-house, in                      street aforesaid; and this entry is for home consumption (or exportation, as the case may require).

Witness my hand this                      day of                      one thousand                      A. B.

Witness,

C. D.

E. F.

If for a mellasses distiller, rectifier, or compounder:

I, A. B. of                      street, in the parish of                      distiller, do hereby revoke all entries by me made, and do make entry of the undermentioned utensils for preparing, fermenting, and distilling wash from mellasses or sugar, viz.

Fourteen wash-backs for fermenting and keeping wash.

One jack-back for receiving wash from the wash-backs to be pumped into the wash-still.

Four stills for distilling, viz.

One of those stills for distilling wash into low wines.

Another still for distilling low wines into spirits.

Also, all the four stills for rectifying and compounding spirits.

One low wine cask for receiving low wines from the wash-still.

One spirit cask for receiving spirits from the low wine still.

And one faint cask for receiving and keeping of faints.

All these utensils are situate in my distil-house street, and this entry is for home consumption (or exportation, as the case may require).

Witness my hand, this                      day of                      one thousand                      sand

Witness,

C. D.

E. F.

By stat. 23 G. III. c. 70. s. 25, and 26 G. III. c. 73. s. 4, distillers are not to withdraw their entries, while any wash, low wines, or other materials, either preparing, or fit for distillation, are remaining, or duty depending, or any utensils standing; but may change the same from one house to another, from malt to mellasses, or from home consumption to exportation, and *vice versa*, provided that such new entries are made on the same days on which the former are withdrawn.

By stat. 2 G. III. c. 5. s. 17, and 26 G. III. c. 73. s. 65, after all wash, low wines, &c. intended to be made into spirits for exportation, are distilled, and such spirits are locked up; distillers for exportation may make entries for home consumption, and may

begin to work at the end of six days. Distillers from corn, having discontinued working their wash-stills, are not to recommence the same without giving the officers notice in writing, on penalty of 200l.

By stat. 28 G. III. c. 41. s. 46, after such distillers shall have withdrawn their entries for exportation to Scotland, they are to be allowed certain proportions for every day they work their stills for home consumption, viz. For every day such stills are used in making spirits, if from British materials, twopence and four-tenths for every gallon of the contents; if from foreign refuged wines, or cyder, or wash prepared from foreign materials, except mellasses and sugar, fourpence and eight-tenths of every gallon of the cubical contents of such stills, including the head so used.

By stat. 19 G. III. c. 50. s. 69, distillers having made entry, are to cause to be painted over the outer door of every distil-house, &c. the word distiller, on penalty of 100l.; but if, not having made entry, they cause the word distiller to be painted over their door, the penalty is 200l.

By stat. 19 G. III. c. 50. s. 8, and 21 G. III. c. 55. s. 37, are not to buy or receive any British spirituous liquors (except at excise sales) of any persons other than distillers, rectifiers, or compounders, having the word distiller, rectifier, or compounder, painted over their doors, on penalty of 500l.

A distiller selling British spirits, and not having the word distiller painted over his door, or buying of a person not having it so painted, either may inform against the other, and in that case discharges himself of the penalties. S. 8. 39.

By stat. 33 G. II. c. 9. s. 4, 5, may extract spirits from any sort of meal or flour, unless prohibited by the king's proclamation during the recess of parliament.

Are not to use a greater proportion than one part of wheat to two parts of other, on penalty of 50l. S. 15.

By stat. 23 G. III. c. 70. s. 24, corn distillers using mellasses, coarse sugar, honey, or compositions, or extract of sugar in preparing wash for distillation, or in making low wines or spirits, or having above 10 pound thereof in their custody, incur a penalty of 100l.; servants assisting to use or bring in the same

incur the penalty of 20l. or for non-payment are to suffer three months imprisonment.

By stat. 12 Car. II. c. 23. s. 19, and c. 24. s. 33, distillers are to permit gaugers on request (if at night with constables), to enter and take accounts of commodities made or making; for refusing may be forbidden to send out, and for sending out, after being so forbidden, and before the duty is paid, penalty 10l.

By stat. 1 W. and M. c. 24. s. 9, and 6 G. I. c. 21. s. 14, are to permit officers by day (and if by night with constables) to enter and take accounts by tasting, &c.; for obstructing, penalty 50l.

By stat. 26 G. III. c. 73. s. 4, are to permit officers by day (and by night, on producing their commissions) to enter all places where distillery utensils are standing; for obstructing, penalty 200l. and upon being obstructed, such officers may break doors, windows, walls, &c. to obtain entrance.

Officers are required to gauge and keep accounts of wash, wort, or other liquors put into their wash-stills; for obstructing them, penalty 200l. C. 19. s. 71.

By stat. 12 Car. II. c. 23. s. 19, and c. 24. s. 33, distillers are entitled to copies of the officers' returns.

By stat. 23 G. III. c. 70. s. 23, are to provide ladders, and assist the officers in raising the same, and examining the contents of stills, and taking still gauges; for neglecting or obstructing, penalty 200l.

By stat. 7, 8 W. III. c. 30. s. 27, and 10, 11 W. III. c. 4. s. 4, 5, 8, are to permit officers in the day time (and with constables) on suspicion and request, to break doors and grounds, in order to search for and trace private conveyances, which may be followed into adjoining premises, on making good damages; for obstructing, penalty 100l.

By stat. 24 G. II. c. 40. s. 18, are not to obliterate or deface the marks set by the officers on any still-house, on penalty of 20l.

By stat. 2 G. III. c. 5. s. 12, are not to have any still or stills in their custody, unless the whole, being taken together, contain 100 gallons, on penalty of 100l.

By stat. 14 G. III. c. 73. s. 2, are not to have in their custody any wash stills containing 400 gallons, exclusive of the heads, nor any low wine stills containing less than



than 100 gallons, exclusive of the heads, on penalty of 100*l*.

By stat. 26 G. III. c. 23. s. 5, are to cause a hole to be made in the top of every fermenting wash back, in such manner that the officers may take their gauges at such holes, on penalty of 200*l*.

By stat. 10, 11 W. III. s. 4. c. 6, are not to have any private pipes, stop-cocks, or other conveyances, nor any holes in their backs, &c. by which wash, &c. may be conveyed, on penalty of 100*l*.; but may have pipes and conveyances above ground, and open to view, for conveying wash or worts from one public utensil to another.

By stat. 23 G. III. c. 70. s. 23, are not to have fixed pipes or other conveyances to or from any stills, except one charging pipe and the discharge cock, on penalty of 200*l*.

By stat. 26 G. III. c. 73. s. 17, are not to have any conveyances to wash stills except the known charging pipe from the entered wash backs, which are to empty themselves into an open trunk two feet long, one foot broad, not more than two feet deep, and within six feet of the still, from which the pipe to the still is to be in a strait line, unconcealed, and not above six inches diameter, on penalty of 200*l*.

Are not to fix any pipes to the ends of the worms of their stills, but are to leave the same open for the officers to examine the low wines and spirits, which are to run publicly into an open safe or vessel, and be conveyed thence into the low wine or spirit cask, on penalty of 100*l*.

By stat. 26 G. III. c. 73. s. 13, are not to have any pipes or conveyances communicating with the worms of any stills, on penalty of 100*l*.

By stat. 12 G. III. c. 46. s. 16, and 14 G. III. c. 73. s. 1, are not to have any pipes to their low wine stills, except from the known and entered low wine cask, on penalty of 100*l*.

By stat. 23 G. III. c. 70. s. 17, are to fix the discharge cocks of stills in the body, so that the officers may have convenient access thereto, and the same are to be continued in a straight line, and not to project more than three feet from the body, nor 18 inches from the brick work, on penalty of 100*l*.

By stat. 26 G. III. c. 73. s. 13, are not to have caps or coverings upon any cocks belonging to their

stills, pipes, backs, or vessels, so as to prevent the officers from examining such cocks, on penalty of 50*l*.

By stat. 23 G. III. c. 70. s. 18, and 26 G. III. c. 71. s. 11, are to construct the keys of the charge and discharge cocks of all stills of a solid piece, with an eye at the top capable of receiving a lever sufficient to turn the same, and are not to place any gratings or other things before the mouth of such cocks, so as to prevent the officers from examining the same, on penalty of 100*l*.

Are not to rivet or fasten the keys of any charge or discharge cocks, so as to prevent the officers from taking out and examining the same, on penalty of 50*l*. S. 12.

By stat. 24 G. III. s. 3. 5, are to make holes in the breasts of their wash stills not more than five inches square, to enable the officers to take gauges; and in the breast of every other still, not being a wash still, not less than one inch and half in diameter, in order that the officers may take samples; holes are to be locked and secured in the same manner, and under the like penalties as directed with respect to still heads by 12 G. III. c. 46; for distilling before such holes are made, penalty 50*l*.

By stat. 8, 9 W. III. c. 19. s. 9, previous to distillers receiving wash, tilts, beer, cyder, or vinegar, from brewers or cyder makers, the officers are to have notice thereof.

By stat. 24 G. III. c. 46. s. 20, such notices are to be given in London 24 hours, and in the country 48 hours before receiving any wine, cyder, sugar, water, or fermented wash, on penalty of 50*l*.

By stat. 26 G. III. c. 73. s. 6, four hours notice in writing to be given to the officers if in London, and eight hours if in the country, before they begin to lime any wash backs, on penalty of 50*l*.

By stat. 10 G. III. c. 46. s. 11, 17, 26 G. III. c. 73. s. 8, and 14 G. III. — s. 1, sufficient fastenings to be affixed to all wash and low wine stills, wash pumps, and charging and discharging cocks of every still, which are to be locked and sealed by the officers; for refusing to pay for such cocks, &c. penalty 50*l*. Are also to provide fastenings to the furnace doors of every still, and permit the officers to secure the same when not at work, on penalty of 50*l*.

By stat. 26 G. III. c. 73. s. 10, upon the requisition

of a general surveyor in London, or a surveyor or supervisor in the country, distillers are immediately to begin, and, in a reasonable time, to repair the locks, keys, and fastenings of their several utensils, on penalty of 50*l*.

By stat. 12 G. III. c. 46. s. 18, 14 G. III. c. 73. s. 1, and 26 G. III. — s. 8, for opening still heads, &c. after being secured by the officers, or wilfully damaging any locks or fastenings, penalty 200*l*.

By stat. 28 G. III. c. 46. s. 16, are not to boil or heat wash, worts, or other materials for distillation, in any utensils except licenced stills, into which they are to be put without any previous preparation by fire that may accelerate the distillation, on penalty of 200*l*.

By stat. 33 G. II. c. 9. s. 14, are not to begin to charge their stills without giving six hours notice, unless between five o'clock in the morning and eight o'clock in the evening in winter, and three o'clock in the morning and nine in the evening in summer, on penalty of 100*l*.

By stat. 3 G. III. c. 1. s. 12, are to give 48 hours notice before putting cyder into their stills, to be drawn into low wines or spirits, on penalty of 5*l*.

By stat. 12 G. III. c. 46. s. 12, 14 G. III. c. 73. s. 1, 7, and 26 G. III. s. 8, distillers in London, or in any other city, or under the survey of London officers, desirous of opening their stills for charging, and furnace doors, between six o'clock in the morning and 12 o'clock at night, are to give four hours notice in writing; or being situate in any other parts, or desirous of opening and charging between twelve o'clock at night and six o'clock in the morning, are to give 12 hours notice, and to specify in their notices for charging the numbers and marks of the wash batches they intended to charge from; for charging from any other than such batches penalty of 100*l*.

By stat. 14 G. III. c. 73. s. 11, if officers attend within one hour after the time mentioned in such notices it is sufficient.

By stat. 14 G. III. c. 73. s. 1, and 26 G. III. c. 73. s. 1, 8, upon the officers attending to open such stills, &c. the discharge cocks are to be turned to satisfy them that the stills are empty, and they are to be permitted to continue while charging, and to lock

and secure such still heads, wash pumps, and charging cocks, as soon as such stills are charged, on penalty of 50*l*.

By stat. 26 G. III. c. 73. s. 16, distillers are not to put wash or other preparations into their stills, or to remove the same from the backs wherein the same were fermented, until gauged and charged by the officers, on penalty of 200*l*. and double duty.

By stat. 14 G. III. c. 73. s. 9, distillers putting wash into any stills without notice, or having any increase in such stills, or a greater proportion of low wines and spent wash than the wash pumped into the stills would admit, the same are to be charged with double duty.

For putting wash, or mixing it with low wines or spirits in any stills, except the known wash stills, penalty 100*l*. S. 10.

By stat. 26 G. III. c. 73. s. 21, are not to begin to draw off any low wines before they have charged their wash stills with wort or wash on which the duty has been charged, in the proportion of three-fourths of the utensils, including the head, and are to work off the stills within 24 hours, on penalty of 100*l*.

Are to convey all low wines into the low wine stills within 12 hours after the same are run from the wash stills, and are to draw the same into spirits within the next 12 hours, on penalty of 10*l*. for every hour beyond the time. S. 22.

Distillers from corn are to continue to work their wash stills regularly for three calendar months after beginning, and are not to withdraw their entries within that time, but at the expiration thereof may discontinue working the same on giving four days notice. S. 62, 63.

Distillers from corn, during the time they shall work, between the 15th day of November and the 15th day of May, are supposed to have charged their wash stills in the proportion of three-fourths of their contents, including the heads, at the average of five times each week, and for the other part of the year in the same proportion, at the average of four times each week. S. 61.

Are not to remove wort or wash from their entered distilleries, or fraudulently hide or conceal the same, on forfeiture thereof; and the distillers and persons

persons employed to remove or receive the same incur the penalty of 10s. per gallon. S. 20.

By stat. 2 W. and M. c. 40. s. 7, and 7, 8 W. III. c. 30. s. 11, distillers are chargeable with duty for wash, missing, according to the judgment of the officers, unless they account for the same.

By stat. 24 G. II. c. 40. s. 18, are not to have more than two casks at one time for keeping faints.

By stat. 1 W. and M. c. 24. s. 3, are not to sell low wines before such wines are distilled a second time, on penalty of 5s. per gallon; nor by stat. 7, 8 W. III. c. 30. s. 8, to brew, or receive, or mix mellasses or other materials with corn wash.

Not to mix mellasses or other materials with corn wash. S. 7.

By stat. 24 G. III. c. 73. s. 9, are not to have any allowance for faints, water, or other liquors put into wash stills, except the same is done in sight of the officers.

Distillers taking faints or spent wash out of their stills, contrary to law, incur a penalty of 100l. S. 8.

By stat. 26 G. III. are to be allowed a credit of 20 gallons of spirits for every 100 gallons of malt or corn wash, 15 gallons of spirits for every 100 gallons of cyder wash, 22 gallons for every 100 gallons of mellasses wash, and 20 gallons for every 100 gallons of wash from foreign wines or foreign cyder, all at the strength of one to ten over hydrometer proof.

By stat. 28 G. III. c. 46. s. 71, for extracting more than 19 gallons of spirits, at the strength of one to ten over hydrometer proof, from 100 gallons of wash, penalty 5s. per gallon above that proportion.

By stat. 26 G. III. c. 73. s. 64, distillers proving on oath, to the satisfaction of the commissioners, that the excess of any presumptive charges beyond the wash produced to the officers was occasioned by unavoidable necessity, and that such wash actually worked was *bona fide* produced to such officers; in such cases the commissioners have power to relieve.

By stat. 19 G. III. c. 50. s. 4, are to make entries weekly of all wash used by them for making low wines and spirits, on penalty of 10l.

By stat. 19 G. III. c. 50. s. 5, are to pay the duty within one week after they have, or ought to have, made such entries, on penalty of double duty.

By stat. 7, 8 W. III. c. 30. s. 13, and 28 G. III. c.

37. s. 21, all stills and other utensils are liable to the payment of duties in arrear.

By stat. 23 G. III. c. 70. s. 22, and 26 G. III. c. 73. s. 17, 18, distillers are to permit officers to take samples of wash, not exceeding 12 gallons out of each wash batch, or other vessel, on paying the same, at the rate of 1s. 6d. per gallon; for obstructing, penalty 200l.

By stat. 24 G. II. c. 40. s. 19, are to permit officers to take samples of low wines, or spirits or faints, on paying for the same; for obstructing, penalty 50l.

By stat. 14 G. III. c. 73. s. 19, 13, are to permit officers to take samples of wash, spent wash, or faints, before their stills come to work, and after they are off, on paying, if demanded, 1s. 6d. per gallon-for wash, and 4d. per gallon for spent wash and faints; for obstructing, penalty 100l.

By stat. 2 W. and M. c. 9. s. 5, and 7, 8 W. III. c. 30. s. 9, officers willingly returning low wines as made from malted corn when not so made, forfeit their office, and incur a penalty of 10s. per gallon.

By stat. 26 G. III. c. 73. s. 35, distillers having different entered warehouses for spirits not under the same roof, or which shall be separated by the intervention of land or buildings, such warehouses may be taken as distinct stocks.

By stat. 6 G. I. c. 21. s. 13, are not to bring into their entered place any brandy or other spirits without giving notice, and producing authentic certificates, on forfeiture of such spirits and casks.

By stat. 26 G. III. c. 73. s. 46, are not to receive raw British spirits in any cask containing less than 100 gallons, on forfeiture thereof, and penalty of 50l.

By stat. 26 G. III. c. 73. s. 46, are not to receive British brandy, rectified British spirits, raw British spirits, British compounds, or spirits of wine, except between the hours of five o'clock in the morning and seven o'clock in the evening, from the 25th day of March to the 29th day of September, and between seven o'clock in the morning and six in the evening the rest of the year, on forfeiture of the goods, and penalty of 50l.

Are not to use any standing or fixed casks for British brandy, compounds, or other spirits, until entered at the proper offices of excise, and gauged and inched

to the satisfaction of the officers, on forfeiture of such casks and liquors, and penalty of 100*l.* S. 38.

Are to paint or cut on some conspicuous part of every moveable cask used for British brandy, compounds, or other spirits, the full measure in gallons, on penalty of 50*l.*

Distillers, upon receiving 12 hours notice in writing from the officers of their intention to take stock, are to fill up all moveable casks of British spirituous liquors, leaving only one ullage of each sort, and to set apart and keep separate for six hours after the expiration of such 12 hours, one sort of such liquor from another, on penalty of 100*l.* S. 39.

By stat. 26 G. III. c. 27. s. 72, distillers not being rectifiers are to permit the officers to take account of their stock once in three months, or oftener if occasion should require, or if directed by supervisors; for obstructing, penalty 200*l.*

By stat. 26 G. III. c. 27. s. 37, having their stills at work at the time the officers are taking stock, are to keep the spirits produced separate until after such stock shall be entirely taken.

By stat. 26 G. III. c. 26. s. 27, not being rectifiers, and having an excess of spirits over the legal credit, or the quantity received by permit, such stock being settled, and cast at one to ten over hydrometer proof, such excess is forfeited, and a penalty incurred of 50*l.*

Are to permit officers to take samples, not exceeding four gallons, of foreign or British spirits, on paying for the former 1*s.* and for the latter 7*s.* per gallon; for obstructing, penalty 100*l.* S. 36.

By stat. 26 G. III. c. 73. s. 45, being convicted before commissioners or justices, of wilfully and fraudulently making spirits, or of having British or foreign spirits in their custody without legal permits for the same (the fact of knowingly and wilfully being set forth in the record of conviction), besides incurring the penalties, their entries and licences become void, and no fresh licences in such cases are to be issued for one month.

Are not to sell, send out, or have in their custody any foreign spirits of a lower strength than one in six under hydrometer proof, nor to keep any British and foreign mixed of a lower strength, except shrub, cherry, or raspberry, on forfeiture of such liquors. S. 31.

Are not to sell or send out spirits of a higher de-

gree of strength than one to ten over hydrometer proof, on forfeiture of the same.

Are not to sell or send out any British spirits mixed with foreign in any greater quantity than four gallons, on penalty of 50*l.* S. 57.

By stat. 6 G. I. c. 21. s. 16, distillers are entitled, on their request, to permits, to accompany the removal of any quantity of brandy or other spirits sold in their entered premises.

By stat. 26 G. III. c. 73. s. 40, 41, 42, upon demanding permits, are to specify in their request notes their trade, and the quantity of spirits, distinguishing British brandy, rectified British spirits, raw British spirits, spirits of wine, or British compounds, and, if raw spirits, whether made from corn, melasses, or other materials; they are also to specify the mode of conveyance, and whether by land or water, and the permits are to correspond with the particulars specified.

Distillers removing British spirits, whether raw, rectified or compounded, under any illegal or false description, forfeit such spirits, together with the cattle, carriages, &c. employed in removing the same. S. 41.

Upon removing British spirituous liquors, concerning which any question shall arise, whether they be such as are described in the permit, the proofs are to lay on the owners, and be established by the oaths of two credible and competent witnesses. S. 44.

Distillers sending British spirits, whether raw, rectified, or compounded, to buyers without permits, forfeit the same to such buyers, over and above double the value; but such forfeitures are not incurred, if the sellers, upon trial of the cause, prove that the permits were obtained, and that there was a suitable decrease in their stock. S. 42, 43.

By stat. 24 G. II. c. 40. s. 11, for knowingly selling spirits to be unlawfully retailed, forfeit 10*l.* and treble the value of such spirits.

By stat. 3, 4 W. and M. c. 15. s. 2, 5, any persons not being entered distillers, hiding or concealing low wines or spirits incur a penalty of 5*s.* per gallon.

By stat. 19 G. III. c. 50. s. 2, and 23 G. III. c. 70. s. 13, private and concealed utensils or materials for distillation may be seized with or without warrants; and the proprietors or persons in whose custody the same



same are found incur a penalty of 200l.; for obstructing in seizing or removing, penalty 100l.

By stat. 23 G. III. c. 70. s. 13, officers suspecting that private stills or other utensils, spirits, low wines wash, or materials for distillation, are kept in any place, may by day (or night with constables) search for and seize the same, by the warrant of one justice or two commissioners in London, or one justice in the country; for obstructing, penalty 200l.

Persons found aiding and assisting in a private distillery may be arrested by any officers of excise, and carried before one justice, who, upon the oath of one witness, or upon confession, may convict the parties in the penalty of 30l. each, and in default of payment such justice may commit them for six months; for a second offence the penalty is 60l. or in default of payment, imprisonment for one year.

By stat. 26 G. III. s. 73. s. 53, occupiers of any houses knowingly permitting private backs or stills to be set up, or used for making wash, distilling low wines or spirits, are subject to the penalties for using such utensils without entry.

By stat. 10, 11 W. III. c. 21. s. 23, and 19 G. III. c. 50. s. 2, proprietors of private distilleries and utensils, or persons in whose custody the same are found, incur the penalty of 200l.

By stat. 3 G. III. c. 1. s. 11, distillers are not chargeable with the duty of 4s. per hogshead for cyder or perry purchased for distilling.

Receiving cyder for distillation, and disposing of the same in any other way, incurs a penalty of 5l. S. 12.

By stat. 26 G. III. c. 73. s. 5, are not to carry on the business of makers of vinegar from any materials except malt or corn, within the distance of two miles from their distilleries.

Are not to sell spirits by retail, whether licenced or not, on penalty of 200l. S. 54.

By stat. 26 G. III. c. 19. s. 12, being justices, are not to grant beer licences to any persons whatever.

By stat. 34 G. III. c. 44. s. 22, are not to act as justices in any matter respecting excise laws, which concern either makers, dealers in, or retailers of spirits.

By stat. 28 G. III. c. 46. s. 78, for obstructing officers in the execution of their duty, penalty 200l.

**DISTILLERS FOR EXPORTATION.** The regulations of distillers for exportation with respect to licences, utensils, access of officers of excise, forfeitures, penalties, &c. are so nearly similar to those for home consumption, which are in many cases verbatim re-enactments; and as the article *Distillers for home consumption* has been already so copiously detailed, the few following regulations, which apply more particularly to exporting distilleries, are only necessary.

By 2 G. III. c. 5. s. 18, distillers for exportation are not to keep spirits for home consumption in exportation warehouses.

By 33 G. II. c. 9. s. 11, are to permit officers to mark their casks containing British spirits for exportation, on penalty of 100l.

By stat. 2 G. III. c. 5. s. 18, a penalty of 50l. is inflicted upon distillers artfully removing or concealing any wash or low wines, before or after being put into the export warehouses.

By stat. 33 G. II. c. 9. s. 11, are to permit officers to take samples of British spirits for exportation, both before and after shipping, not exceeding one pint, on paying the market price; for obstructing, penalty 100l.

May ship British corn and spirits for stores or exportation. S. 7.

By stat. 2 G. III. c. 5. s. 21, are not to export spirits but at the strength of one in six under hydrometer proof.

Each gallon of brandy or spirits at one in six under hydrometer proof, is to be reckoned to weigh 7 lb. 13 oz. S. 24.

By stat. 26 G. III. c. 73. s. 24, distillers are not to sell spirits by retail, whether licenced or otherwise, on penalty of 200l.

*Rectifiers or compounders.* The following are the principal regulations relative to rectifiers *exclusively*; those relative to excise officers, notices, utensils, &c. which have been given under the article *Distillers*, apply equally to rectifiers.

By stat. 8, 9 W. III. c. 19. s. 13, any persons may rectify spirits of their own making from malted corn or cyder, on giving notice, paying the duties, and conforming to the laws.

By stat. 26 G. III. c. 73. s. 54, rectifiers are not to sell spirits by retail, whether licenced or not, on penalty of 200l.

Are not to carry on the business of makers of vinegar from any materials except malt or corn, within the distance of two miles of their distilleries. S. 55.

By stat. 6 G. I. c. 21. s. 11, 12, rectifiers or compounders of spirits are to cause to be painted over the outer doors of their still-house, rectifier or compounder of spirits, on penalty of 100*l*.

Not having made entry, and having painted the words rectifier or compounder over their doors, forfeit 200*l*.

By stat. 21 G. III. c. 55. s. 39, same penalty upon rectifiers selling British spirits not having the words rectifier or compounder painted over their doors, or buying of such persons, but the latter may inform against the others, and in that case they discharge themselves of the penalty.

By 2 G. III. c. 5. s. 12, are not to have any still or stills in their custody, unless the whole, taken together, shall contain 100 gallons, on penalty of 100*l*.

By 26 G. III. c. 73. s. 15, no persons are to be deemed rectifiers or compounders who shall not have an entered still of 120 gallons, exclusive of the head, with suitable tubs, worms, &c. and actually use the same for rectifying British spirits for sale.

By stat. 19 G. III. c. 50. s. 7. and 21 G. III. c. 55. s. 37, are not to buy or receive any spirits or spirituous liquors (except at excise sales) of any other persons than distillers, rectifiers, or compounders, having the words distiller, rectifier, or compounder, painted over the door, on penalty of 500*l*.

By stat. 6 G. I. c. 21. s. 13, are not to bring into their entered places any brandy, or other spirits, without giving notice thereof, and producing authentic certificates to the officer, on forfeiture of the spirits and casks.

By stat. 26 G. III. c. 73. s. 46, are not to receive British brandy rectified, British spirits, British compounds, or spirit of wines, except between the hours of five o'clock in the morning and seven in the evening, from the 25th of March to the 29th of September, and between seven o'clock in the morning and six o'clock in the evening the rest of the year, on forfeiture of the goods and penalty of 50*l*.

Are not to receive raw British spirits in any cask

of less contents than 100 gallons, on forfeiture thereof, and penalty of 50*l*.

On receiving rectified or compounded spirits legally brought from Scotland, are within 24 hours to give notice thereof to the officers, who are to attend and see the same reduced to the legal strength. Traders refusing on request, to forfeit the same. S. 40.

By stat. 26 G. III. c. 73. s. 44, all British spirits of the third extraction, or which have been twice distilled from low wines, and have had any flavour communicated thereto, and all liquors whatsoever which shall be mixed with any such spirits, shall be deemed British brandy; and all British spirits of the third extraction, or which shall have been twice distilled from low wines, and have had no flavour communicated thereto, and all liquors whatsoever which shall have been mixed with any such spirits, shall be deemed rectified British spirits; and all British spirits of the second extraction, or which have once been distilled from low wines, and all liquors whatsoever which shall be mixed with any such spirits, shall be deemed to be raw British spirits; and all British spirits which shall have been distilled with juniper berries, caraway seeds, anise seeds, or any seed, preparation, or ingredient whatsoever, used in the compounding of spirits, and all liquors which shall be mixed with any such British spirits, shall be deemed compounds; and all British spirits of a greater or higher degree of strength than one to two over hydrometer proof, shall be deemed to be spirits of wine, all within the meaning of this act; and if a question shall arise whether any spirits removed by permit be *bona fide* such as described in the permit, the proof thereof to lie upon the owners, and be substantiated by the oath of two skillful persons.

Rectifiers are not to use any standing or fixed casks for British brandy, compounds, or other spirits, until entered at the proper offices of excise, and gauged and inched to the satisfaction of the officers, on forfeiture of the casks and liquors, and penalty of 100*l*. S. 38.

Are to paint or cut on some conspicuous part of every moveable cask, used for sending out or keeping British brandy, compounds, or other spirits, the full measure in gallons, on penalty of 50*l*.

By stat. 30 G. III. c. 37. s. 3, the stocks of rectifiers,

tifiers, whether makers or not, are to be taken once in three months at least.

On 12 hours notice from the officers of their intention of taking stocks, are to fill up all their moveable casks of British spirituous liquors, leaving only one ullage of each sort, and are to set apart and keep the same separate for six hours after the expiration of the 12 hours one sort of such liquors from another, on penalty of 100l. S. 39.

And on 12 hours notice from the officers are to mark the true quantity and strength upon all casks containing any part of their stock, of which by reason of its being mixed with sugar, syrup, seeds, fruit, or other ingredient, the strength cannot easily be ascertained, and wilfully being set forth in the record of the conviction over and above the penalties incurred, their entries and licences are void, and no fresh licences are to be granted him for one month.

Officers to take samples not exceeding four gallons of foreign or British spirits, paying for the former 13s. and for the latter 7s. per gallon; for obstructing officers, penalty 100l. S. 36.

By stat. 30 G. III. c. 37. s. 5, rectifiers not having used the whole of the allowance of 50l. per cent. at the time of the officers taking the stock, lose credit for all above what shall be sufficient to reduce their stock on hand to one in  $3\frac{1}{4}$  under hydrometer proof.

Having an increase in their stock above what was found at the last preceding time of taking stock, allowing 50 per cent. for spirits legally received, or made at the strength of one to ten over hydrometer proof, and casting the whole at one in three and three-fourths under hydrometer proof, forfeit such increase. S. 3.

By stat. 26 G. III. c. 73, s. 45, rectifiers being convicted, before the commissioners or justices, of knowingly, wilfully, and fraudulently making spirits, or of having British or foreign spirits in their custody, without having received legal permits with the same, (the fact being set forth in the record of conviction), his entry and licence shall be void, and no fresh licence shall be granted to such persons for the space of one month.

By stat. 30 G. III. c. 37. s. 6, and 26 G. III. c. 73. s. 32, are not to sell or send out any British brandy rectified, or other British spirits, or British com-

pounds, of a higher degree of strength than one to five over hydrometer proof, on forfeiture of the spirits, and treble the value, or 50l. at the election of the prosecutor; but spirits of wine, if kept separate from other liquors, may be sent out of a greater strength, so as not more than 120 gallons be sent to any one person in one day.

By stat. 26 G. III. c. 73, s. 31, are not to sell or send out, or to have in their custody any foreign spirits of a lower degree of strength than one to six under hydrometer proof, nor keep any British and foreign spirits mixed of a lower strength, except shrub, cherry, or raspberry brandy, on forfeiture of the liquor.

Are not to sell or send out any British spirits mixed with foreign, in any greater quantities than four gallons, on penalty of 50l. S. 57.

Removing British spirits, whether raw, rectified, or compounded, under illegal or false descriptions, forfeit the same, and cattle and carriages employed in the removal thereof. S. 41.

Removing British liquors upon which a question shall arise, whether they be such as are described in the permit, the proof to lie on the owners, and be substantiated by the oaths of two credible and competent witnesses. S. 44.

Sending British spirits, whether raw, rectified, or compounded, to a buyer without a permit, forfeits the spirits to such buyer, over and above double the value; but such forfeitures are not incurred, if the seller, on the trial of the cause, prove that permits were obtained, and that there was a suitable decrease in the stock. S. 42, 43.

By stat. 21 G. III. c. 55, s. 32, rectifiers of spirits made for exportation, are to be allowed six gallons in every ton of spirits for loss in rectifying.

By stat. 26 G. III. c. 73, s. 71, and 28 G. III. c. 46, s. 78, rectifiers, compounders, or dealers in spirits, or any workman or servant belonging to them, who shall obstruct, assault, resist, oppose, molest, or hinder, any officer of excise in the due execution of their duty, incur a penalty of 200l. See *Exportation*, *Maldstone Distillery*.

DISSOLUTION of partnership. See *Partnership*.

DISTRESS. A distress is a seizure of certain personal property, as a pledge or security for a debt, due either

to an individual or the crown. It is usually applicable to a seizure of goods for rent by a landlord to whom the same was due, and which remedy was expressly given by statute. As a distress for rent must however be for a sum certain and of the same nature, it has been held that no distress can be taken for rent in ready furnished lodgings, because the debt is of a mixed nature, composed of what is due for the apartments, and the use of the furniture. It is also sometimes a remedy to compel an appearance to answer a complaint in some court of justice, as in a writ of *clausum fregit*, where the goods of the party are distrained from time to time to compel an appearance; and in some cases it is in the nature of an execution, as where the parties goods and chattels are distrained under the warrant of a magistrate for any rates due to the parish, or any taxes or fine due to the crown. A man's goods and his body cannot be taken for one and the same debt.

A distress for rent cannot be made the same day the rent becomes due, *Co. Lii. 47*, and must be made in the day-time.

Things not distrainable are tools of a man's trade, corn sent to a mill, a horse in a smith's shop, or in a common inn, cloth at a tailor's, goods in the hands of a carrier, 1 *Salk. 249*. 1 *Eq. Rep. 206*. 4 *T. R. 569*. Dogs, rabbits, beasts of the plough, milk, fruit, and things fixed to the freehold, 3 *Black. Com. 8*, 9. 4 *T. R. 569*. But beasts of the plough, and working tools if not actually in use at the time, may be distrained if there is not sufficient without them, 4 *T. R. 569*. So may wearing apparel not actually in use, 1 *Eq. Rep. 206*. Money in a bag sealed may be distrained.

Horses and carriages sent to stand at livery are distrainable by the landlord, 3 *Burr. 1498*.

Whether the goods be the property of a tenant or a stranger, is perfectly immaterial, provided they are on the premises, and are not privileged by law from being distrained for rent, 3 *Black. Com. 8*.

Parole authority to distrain is sufficient, or any authority that can be proved.

By 2 *G. II. c. 19*, landlords may by the assistance of a peace officer of the parish, break open in the day-time any place where goods are fraudulently removed and locked up to prevent a distress, oath being

first made in case it be a dwelling house, of a reasonable ground to suspect that such goods are concealed therein.

By stat. 8 *Anne. c. 14*, rent accruing due under a lease must be distrained for within six months after its determination.

A notice of distress left upon the premises with some person there, is sufficient. If there are several claimants in the house as the tenant, a messenger under a commission of bankruptcy, or a sheriff under an execution, the notice may be directed to the tenant, and all other persons whom it may concern, and a copy may be delivered to each.

When there is a distress upon bankrupt's goods in the custody of a messenger, and no assignees are chosen, it does not appear that there is any person competent to give consent for the goods to remain on the premises beyond the time allowed by law.

Goods taken in distress must be removed off the premises on the sixth day. Thus a distress being made on a Saturday, the goods must be removed on the Thursday; having removed them, notice must be given where they are deposited, and then they may (if the accommodation of the parties require it) be kept a few days longer; but till sold they are liable to be replevied.

If a tenant fraudulently remove goods off the premises, the landlord may seize them within 30 days. But such seizure can only be made where the rent was actually due before the removal.

Persons distraining for rent may impound the distress on any convenient part of the land chargeable with the distress, otherwise the goods must be removed to a pound covert, and notice given where they are, unless the tenant consent to a person remaining in possession on the premises. *Wood's Inst. 191*.

DISTRIBUTION of intestate's estates. See *Executor*.

DIVIDEND, the portion of profit, interest or capital which, on a division amongst the interested parties, falls to one person's share. A share or portion in the interest of stocks is also called a dividend. One condition necessary to make the portion of profit, &c. a dividend is, that it should be a division of the whole, bearing a fair proportion to the share which the person receiving it possesses in the affairs from which it arises for dividends.



**DIVIDENDS** of bankrupts effects. See *Bankrupt*.

**DOCKS**, a place for receiving or building ships. They are of two sorts, wet and dry. A dry dock consists in a hollow space or trench cut in the ground contiguous to a harbour, a navigable river, or the sea, into which the sea flows when the tide is at its height, but which is empty at low water. A ship can by this means sail into such a dock when there are slips to receive her, and when the tide falls back, the vessel rests upon the supports placed, after which two gates are shut which keep the water from returning, so that the vessel remains dry till the repairs intended are made; and when ready to go to sea again, the flood-gates are opened to admit the water, when the ship floats and sails away without any of those difficulties that attend a repair when the ship has not a dry dock to go into.

A wet dock is just the reverse of a dry dock in respect to the use it is put to, but in other respects is similar. The flood-gates open in the other direction, and instead of being shut when the water is low to keep it out, they are shut at the full of the tide, and prevent the water from running out; so that, as in the one case the ship is constantly kept dry, so in the other it is constantly afloat, instead of being alternately floating and laying on one side upon the sand, which is the case when a ship lays in a harbour or river, in which the tide flows as the Thames. See the respective articles *London*, *Liverpool*, *Hull*, and *East India Docks*.

**DOCK-YARDS**, magazines containing all sorts of naval stores and timber for ship building; also for building and repairing ships. Wet and dry docks are both sometimes situated in a dock-yard.

**DOCKET** is a short memorandum annexed to other papers for particular purposes. In law a docket is necessary in all judgments, and no debts will be entitled to a preference in debts due from a party deceased, as judgment debts, unless such judgments be regularly docketed. Dockets are also used at the custom-house; and the first proceeding on a commission of bankruptcy, when a petitioning creditor gives bond to the lord chancellor to prove a party bankrupt, is called striking a docket. See *Bankrupt*, *Customs*.

**DOMINGO**, St. otherwise Hispaniola, the largest and most valuable of the West India islands, being 400

miles in length, and 75 in breadth. St. Domingo, its capital, lies in W. long. 70. 10. N. lat. 18. 20. Its principal productions are sugar, coffee, ginger, cocoa, indigo, cotton, wax, honey, some ambergris, brazil wood, confections, liqueurs, hides, and tallow. Of these sugar is the principal and most valuable article. It has amounted to near eighty thousand tons in a year. Since the French revolution, however, the western part of the island has been subject to the most dreadful calamities from civil war and the insurrections of negroes, so that it will require many years of tranquillity and industry to restore it to its pristine state. The western part of this island was possessed by France, and the east by Spain, who gave the island the name of Hispaniola, but by the treaty of peace in 1795, the whole was ceded to France.

Previous to the French revolution, the commerce between France and that island was the greatest that existed between any two countries in the world. The imports to France amounted to above eight millions sterling annually. The numbers of persons employed in France to manufacture and supply necessaries for that immense colony was exceedingly great; insomuch that the direct trade, with the various branches that sprang from it, amounted to above 14 millions sterling annually, which was equal to two thirds of the whole trade of the mother country. This trade is probably lost for a long time to come; and it is believed that from the great extent of the island, and the unwholesomeness of the climate, its reduction will be difficult, and a country, the population of which can be only maintained in times of peace by an importation of inhabitants from Africa, will be so exhausted as never to be advantageously restored.

**DOMINICA**, one of the English Windward Caribbee islands, lying between Martinique and Guadaloupe, is 28 miles in length, and 13 in breadth. The quantity of sugar and rum made here is inconsiderable; the soil being light and thin, is better adapted to the cultivation of coffee, cocoa, and cotton. Roseau is the capital.

**DRAFT** and **CLOFF** are certain allowances made at the custom-house, which are deducted from the original weight of the goods, and taken off before the tare; the remainder is then termed gross weight.

*Draft*

Draft is allowed at the custom-house on all goods landed; but no draft will be allowed under a quarter of an hundred weight, and draft must always be taken off before the tare. See *Customs, Importation*.

**DRAWBACK**, a sum paid on the exportation of such goods as have already paid a duty either to the excise or customs. It may either be considered as a bounty or an exemption. The intention of it is to enable goods that have paid a duty here to meet a competition fairly in a foreign market. See *Bounties*.

**DRESDEN**, the capital of the electorate of Saxony, situated on the river Elbe, E. long. 13. 36. N. lat. 51. Dresden is distinguished for its manufactures of stuffs, skins, morocco, glass, embroidery, gold, silver, and copper. Its porcelain manufactory, so celebrated all over the world, employs 500 workmen, fifty of whom are painters. The commerce of Dresden is carried on by the Elbe and by land. Besides the articles above mentioned, its trade consists of all sorts of timber, particularly deals, corn, potashes, linens, thread, iron, steel, herrings, stock-fish and other fish, dry and pickled fish, oil, tallow, tobacco, and a variety of other commodities.

**DUBLIN**, the capital of Ireland, is from its situation not a place of considerable trade. It would be a commodious station for shipping, but the harbour is choaked up by two sand banks, called the North and South Bulls, which prevent vessels of large burthens from going over the bar. Much improvement, however, has lately been made in this port. The linen and hempen manufactures are of immense consequence, and their prosperity greatly assisted by the board of trustees appointed by act of parliament. The national bank too, which was established in 1783, gives much assistance to commerce and manufactures.

**DUNDEE**, a town in Forfarshire, in Scotland, situated on the river Tay, where is carried on a great trade, particularly in Osnaburghs and other coarse linen cloths. Such has been the increasing prosperity of this mercantile town, that within these 25 years the population has increased from 11,000 to 23,000.

**DUNKIRK**, a fortified sea-port of the French Netherlands, between Calais and Ostend, and opposite to the coast of England. Like Boulogne, it is chiefly inhabited by fishermen and smugglers.

**DUNNAGE**, pieces of wood placed against the sides and bottom of the hold of a ship, to preserve the cargo, according to its nature and quality, from the effects of leakage.

**DUTIES**, sums payable on importing, exporting, or manufacturing an article, as a tax. The word is most generally applied to taxes on exports and imports. See *Customs, Excise*.

**DYERS**. By statute 3 and 4 E. VI. c. 2, no dyer may dye any cloth with orchel, or with brazil, to make a false colour in cloth, wool, &c. on penalty of 20s. By statute 23 Eliz. c. 9, dyers are to fix a seal of lead to cloths, with the letter M, to shew that they are well mathered, &c. or forfeit 3s. 4d. per yard. By statute 23 Geo. III. c. 15, several penalties are inflicted on dyers who dye any cloths deceitfully, and woaded not throughout with indigo and mather. Dyeing blue with logwood to forfeit 20l. Dyers in London are subject to the inspection of the dyers' company, who may appoint searchers; and out of their limits, justices of the peace in sessions are to appoint them. Opposing the searchers incurs a penalty of 10l. See *Labourers, Manufacturers*.

**EARNEST** is the money advanced to bind the parties to the performance of a verbal agreement.

The person who gives it is in strictness obliged to abide by his bargain; and in case he declines, is not discharged upon forfeiting his earnest, but may be sued for the whole money stipulated, and damages; and by the statute of frauds, stat. 29 Car. II. c. 3, no contract for sale of goods to the value of 10l. or more to be valid, unless such earnest is given. See *Agreement, Frauds*.

**EASTLAND.** All the countries to the north of Holland, on the continent, are comprehended under that name, from Embden to Archangel, including the Baltic and the Sound. There is also an East-land company, of which to be a free member it is only necessary to pay 40s.

**EAST-INDIA COMPANY**, a corporation, or "united company of merchants of England trading to the East Indies," which name is given them in stat. 6 Anne, c. 17. s. 13; more explicitly, according to their charter and adjustment of their rights, by stat. 9 and 10 W. III. c. 44. s. 61, trading "into and from the East Indies, in the countries and ports of Asia and Africa, and into and from the islands, ports, havens, cities, creeks, towns, and places of Asia, Africa, and America, or any of them, beyond the Cape of Good Hope, to the Straits of Magellan, where any trade or traffic of merchandize is or may be used and had, and to and from every of them."

The East-India company was originally established in 1600, by charter from queen Elizabeth, but for a long time they were interrupted by speculative adventurers, called interlopers, who resisted the exclusive claims of the company under their charters, on the ground of their wanting the sanction of parliamentary authority.

Such was the state of things in 1693, when the company, by an accidental failure in the payment of

a small duty which had been imposed on their capital stock, gave an opening to government to determine on revoking their charter, rendered void by that default; and though in the same year the crown, in order to obviate all doubts, revived their charter and exclusive privileges by a new grant, the company were obliged to submit to a condition that their capacity of trading should in future be determinable on three years notice. The legal obstacle to the erecting a new company being thus removed, the statute 9 and 10 W. III. c. 44. was passed for borrowing two millions at 8 per cent. towards carrying on the war; and as an encouragement to subscribers, it was declared that they should be incorporated by a charter from the king into a general society, with liberty for each individual member to trade to India and the other limits of the old company's exclusive charter, so that the value of his exports exceed not his share of this loan or capital, and that such of the subscribers as should chuse to convert their subscription into a joint stock, should be at liberty so to do, and be incorporated by a separate charter, by the name of "the English East-India company," with the privilege of trading with and to the amount of such joint stock. All persons but those incorporated, and such as they should license, were prohibited from this trade, except the old company, who had time given them to wind up their commercial affairs.

The bulk of the subscribers having agreed to trade as a separate company with a joint stock, the old company, to whose prejudice the two new corporations were to be erected, found means to become members for a very large proportion of the loan of two millions. With an interest thus acquired, they joined with the English company, and by means of their superior knowledge and possessions, obtained a decided influence in the general courts of the new company, and thus paved the way to that union which

which afterwards took place in 1702, and which, A. D. 1708, was confirmed by parliament, by statute 6 Anne, c. 17.

The first enlargement of the company's term took place in 1708 (stat. 6 Anne, c. 17), when the united company bargained with the public to advance 1,000,000*l.* as a loan for an extension of their term in the exclusive trade of fifteen years, and thus their nominal trading capital, on which the dividend was made, became advanced to 3,200,000*l.*

In 1712, the statute 10 Anne, c. 28, passed for repealing all former provisions and powers of determining their trade or incorporation, but with power for the public to redeem the debt at any time after September 1733. They again submitted themselves to the pleasure of parliament in 1730, when the statute 3 Geo. II. c. 14, was passed for continuing to them their exclusive trade till 1766, for which they gave the public a premium of 200,000*l.* without any return of either principal or interest, and also agreed to a reduction of the rate of interest to 4 per cent. on the debt of 3,200,000*l.*

In 1744, they contracted for, and obtained, by statute 17 Geo. II. c. 17, a further addition of fourteen years in the exclusive trade, for which they lent to the public 1,000,000*l.* at 3 per cent.; and in 1750, they agreed, by statute 23 Geo. II. c. 22, to a further reduction of the rate of interest on the former debt to 3 per cent.

Thus grew the debt of 4,200,000*l.* from the public to the united company, which is now consolidated with the 3 per cent. bank annuities. But the company's capital, or nominal sum by which their dividends were governed, continued as before at 3,200,000*l.* the million last lent having been raised by their bonds, and therefore not added to their former capital.

The next renewal was made by contract with the public, by statute 21 Geo. III. c. 65, s. 9, when a further term, determinable in 1794, was granted in the exclusive trade, on payment of 400,000*l.* in discharge of all claims on the company by the public previous to March 1, 1781. But it was provided, that after payment of a yearly dividend of 8 per cent. to the holders of India stock, the surplus of all the the proceeds of their trade and revenue should be

applied, three quarters to the use of the public, and the remaining quarter to the use of the company.

The debts incurred by the company in the wars subsisting in India at and after that period, prevented any such surplus from arising, and therefore no participation of revenue took place under this act; on the contrary, the pressure of those debts, and the compulsory clauses of an act of 1784, by which the company were obliged to keep a stock of teas always in their warehouses sufficient for one year's consumption, rendered it necessary for them to enlarge their actual trading capital, by new subscriptions, to 5,000,000*l.* for which they had the sanction of parliament granted them by statute 26 Geo. III. c. 62, explained by statute 31 Geo. III. c. 11, and statute 29 Geo. III. c. 65.

In 1783, the public agreed to forego any participation of the funds of the company under the said statute 21 Geo. III. c. 65, until certain debts should be discharged; and by the relief act of 1784, the participation as settled in 1781 was to be resumed as soon as the debts therein specified were paid, and the bond debt reduced to a million and a half; see statutes 22 Geo. III. c. 83. 24 Geo. III. c. 34.

By statute 33 Geo. III. c. 52, the company's term is extended for 20 years from March 1, 1794.

The books are at all times open for the admission of every description of persons, natives or foreigners, who may desire to become stock holders, and have money to adventure. It knows no distinction of professions, religion, or even sexes, and in general courts there is the most perfect equality. A difference is only made in voting, which, when taken by the holding up of hands, requires 500*l.* stock, and when by ballot 1000*l.* stock for a single vote, 3000*l.* for two votes, 6000*l.* for three votes, and 10,000*l.* for four votes, which is the largest number any member is allowed to possess. 2000*l.* stock qualifies a member to become a candidate for the office of director or chairman.

In the beginning of 1794 the amount of the votes was about 1700.

There are twenty-four directors, including the chairman and deputy chairman, who may be re-elected in turn, six each year for four years successively, by rotation. The meetings or courts of directors are to



be held at least once a week, but are commonly oftener, being summoned as occasion requires.

Out of the body of the members are chosen different committees, who have the peculiar inspection of certain branches of the company's business, such as the separate committees of correspondence, of buying, of treasury, of warehouses, of shipping, of accounts, of law-suits, a committee to prevent the growth of private trade, and, under stat. 33 Geo. III. c. 52, a committee of secrecy.

The bulk of the company's exports, on which the gain is very small, consists of camblets, cloth, and other woollens, of which they are by the charter obliged to send out a great quantity annually; metals, particularly tin, lead, and copper; naval and military stores, and silver in bullion.

The company reserved to themselves the exclusive exports of cloth, woollens, copper, bullion, and military stores, and also clocks, toys, and other articles ornamented with jewels.

The company may licence whom they please to trade to the East Indies. The servants abroad are also frequently permitted to remit home their fortunes in merchandize, for which they pay freight to the company.

The goods imported by the company from India consist chiefly of muslins, calicoes, and other piece-goods; raw silk, cotton, indigo, pepper, saltpetre, opium, and various sorts of drugs; and from China, tea, coffee, and japan and china-ware, of which two last articles the consumption has greatly fallen off of late years; the other articles are comparatively of a trifling value. Sugar has occasionally been imported in small quantities, and probably will become a principal commodity; but of late there have been large importations of rice from thence.

The whole average amount of the customs and inland duties of the import trade of China to Great Britain may be estimated at upwards of a million per annum, and the sale amount thereof at nearly six millions per annum.

The temporary rights of the company consist, first, of the sole and exclusive trade with India; 2dly, they have the administration of the government and revenues of the territories in India acquired by their conquests during their term in the exclusive trade, sub-

ject to the restrictions contained in the several statutes which vest that administration in them.

The rights which the company possess in perpetuity are; to be a body corporate and politic, with perpetual succession; see statutes 8 G. II. c. 14. 17 G. II. c. 17. 21 G. III. c. 65; to purchase, acquire, and dispose at will of lands and tenements in Great Britain; but by stat. 3 G. II. c. 14, s. 14, the value therein is not to exceed 10,000l. per annum; by the charter of king William they are empowered to make settlements to any extent within the limits of their exclusive trade, build forts and fortifications, appoint governors, erect courts of judicature, coin money, raise, train, and muster forces at sea and land, repel wrongs and injuries, make reprisals on the invaders or disturbers of their peace, and continue to trade within the same limits, with a joint stock, for ever, although their exclusive right of trading shall be determined by parliament. See the three statutes immediately above recited; and as to the forces, statutes 27 Geo. II. c. 9. 1 Geo. III. c. 14. 21 Geo. III. c. 65. 28 Geo. III. c. 8. explained by statute 31 Geo. III. c. 10.

Thus they are a perpetual corporation; and though their exclusive right to trade, and their power of administering the government and revenues of India may be determined and put an end to by parliament, yet they would still remain an incorporated company in perpetuity, with the exclusive property and possession of Calcutta and Fort William, Madras and Fort St. George, Bombay, Bencoolen, and St. Helena, and various other settlements and landed estates in India; and also a right of trading thither with a joint stock.

The other statutes now in force relative to the trade and concerns of the East India Company, stat. 9 and 10 W. III. c. 44. s. 69, by which persons trading to the East Indies are first to give security for causing all goods laden on their account to India to be brought, without breaking bulk, to some port of England or Wales, there to be unladen; the amount of security is regulated by stat. 6 Anne, c. 3; stat. 7 G. I. c. 5. s. 32, 33, enabling the company to borrow money on their common seal; stat. 7 G. III. c. 49. s. 2, as to making dividends; s. 3, as to ballots. See on the same point stat. 10 G. III. c. 47, which also declares, that crimes against his majesty's

subjects in India may be punished by information in the court of King's Bench in England; stat. 12 G. III. c. 54, as to building new ships; stat. 17 G. III. c. 8, as to the time of electing directors; stat. 21 G. III. c. 70, regulating in several places the power of the supreme court at Fort William, and of the governor-general and council of Bengal.

By the stat. 13 G. III. c. 63, considerable alterations were made in the constitution of the company. It was enacted, that the court of directors should in future be elected for four years, six members annually, but not to hold the place longer than four years. That no person should vote at the election of the directors, who had not possessed their stock twelve months. A new court should be established at Fort William, under the title of the Supreme Court of Judicature, consisting of a chief justice and three puisne justices; and that those judges be appointed by the crown. That a superiority be given to the presidency of Bengal over the other presidencies in India. That the power of nominating and removing the governor-general and council at Forts William and Bengal should be vested in the directors. (By stat. 26 G. III. c. 25, it is declared, that his majesty's approbation of the appointment of the governor-general and council at Fort William is not necessary.)

By stat. 24 G. III. Sess. 2. c. 25, persons are to be nominated by the king as commissioners for the affairs of India. The members of this board of controul are sworn to execute the several powers and trusts reposed in them without favour or affection, prejudice or malice. The court of directors are to deliver to this board, for their approbation or alteration, all minutes, orders, and resolutions of themselves and of the court of proprietors, and copies of all letters, orders, and instructions proposed to be sent abroad; none to be sent till after such previous communication, on any pretence whatever. The directors are to appoint the servants abroad; but power is given by the king to his secretary of state, to recall the governors and members of the council, and all inferior magistrates. The council of Bengal are subjected to the direction of the company at home; and in all cases, except those of immediate danger and necessity, restrained from acting without orders from England.

The stat. 33 G. III. c. 52, provides for the conti-

nuation of the board of controul in all its parts, except that the person first named in the king's commission is to be president; the number is indefinite, resting in the king's pleasure, of which, however, the two principal secretaries of state and the chancellor of the exchequer are to be three; and his majesty may, if he pleases, add to the list two commissioners not of the privy council.

The powers of the board are in substance the same as under former acts of parliament. They are to superintend, direct, and controul all acts, operations, and concerns which relate to the civil or military government and revenues of the British territorial possessions in India. But the board are restricted from the appointment of any of the company's servants, or interfering in its commercial concerns.

All shall have promotion by seniority of service; only three years service qualifies a civil servant for a place of 500l. per year; six years for one of 1500l. nine years for 3000l. twelve years 4000l. or upwards.

The company's term is extended for 20 years from March 1, 1794, subject to be determined at or after that period, on three years previous notice by parliament, signified by the speaker of the house of commons; subject, however, as to the trade to and from India, to the following limitations, in favour of such private merchants as chuse to trade thither. In other respects, and to and from China and other places, to and from the Cape of Good Hope, the former restrictions against private traders are continued in force.

All persons may export and import goods to and from India in the company's ships, except military stores, ammunition, masts, spars, India calicoes, dimities, muslins, or other piece goods made or manufactured with silk or cotton, or with other mixed materials, unless by leave of the company. If the market shall not be sufficiently supplied with excepted articles of import or export (with an exception of military stores and copper), the board of controul may open that trade also to individuals. If the company should not export 1500 tons of copper annually, private traders may export copper in the company's ships to the amount of the deficiency.

The company are to furnish private traders till

1796 with 3000 tons of shipping yearly, computed on the same principle as the company's own tonnage is computed. The quantity may be increased by order of the board of controul to meet the demands of the private traders; and if the board order more than the company approve, they may appeal from the order to the king in council; and the company are restricted from charging any higher freight than 5l. per ton outwards, and 15l. per ton inwards, except in time of war, or circumstances incidental to war.

Private traders are required to notify to the company's secretary at home, and to the proper officers in India, at a time limited, the quantity of tonnage wanted by them for the ensuing season, with the place of destination, and the time when the goods will be ready for shipping. All private trade is to be registered in the company's books; and in default of being registered, is to be considered as illicit trade, and punishable accordingly.

All persons in India not specially prohibited by the company, or restricted by their covenants, are authorized to act as mercantile agents for any who may choose to employ them: and if there be a want of factors, properly qualified and authorized, the company are to license free merchants with the approbation of the board of controul; so that there may be always a proper supply of agents for conducting the private trade abroad.

The duty of five per cent. granted by an act of king William on goods imported in private trade, is, in respect to the India trade, repealed, and the company's former charge of two per cent. discontinued; and in lieu of these the company is to have three per cent. on the gross amount of the sales of private trade, the customs thereon included.

For the case of any manufacturers who may import any articles of raw materials, rules or bye-laws are to be framed and established for bringing them to as early a sale as possible. And for preventing any undue preference in the sales of the said commodity amongst any of the importers, whether the goods belong to the company or individuals, the sales are to be open and public, by inch of candle, and the whole consignment brought in by the private importer is to be delivered out to him, on payment only of the duties and other dues thereon. All other goods imported in pri-

vate trade are to be sold, and treated as heretofore, according to the bye-laws of the company; and all goods in private trade are to pay to government the same customs as goods imported by the company on their own account.

And inasmuch as the allowance of 3l. per cent. and the rates of freight will be sufficient to indemnify the company their usual charges upon private trade, the legislature has exempted the company from actions for losses or embezzlement, which a common carrier might, in ordinary cases, be liable by law to make good to the owner. But the act provides, that the company's officers, and all persons through whose means or negligence any loss shall happen, shall be liable to make it good to the owner.

All the old laws for preventing clandestine trade with India are wholly abrogated, and the following provisions are substituted.

Persons going unlawfully to India, and trafficking there, forfeit ships, vessels, goods, and merchandize, and double the value thereof, one-fourth to the informer, and three-fourths to the company, they paying thereout the costs of prosecution.

Persons unlawfully going to India shall be deemed unlawful traders, and subject to the foregoing penalties and forfeitures, and may also be prosecuted as for a crime and misdemeanour, and be liable to fine and imprisonment; one moiety of the fine goes to the king, the other to the company, if they prosecute, or else to any other informer.

Persons unlawfully going to India may be seized and sent home for trial.

Goods shipped clandestinely, or such as are restricted by the act, and goods unshipped at sea, shall be seized and forfeited, with double the value; and the master or other officer knowingly permitting or suffering the same, shall forfeit all his wages to the company, to be deducted out of the monies payable to the owners, and be disabled from again acting in the service. And none, without the permission of the company, shall trade in salt, beetle nut, tobacco, or rice, on pain of forfeiture of the goods and treble the value, one moiety to the company, and the other to the prosecutor.

None shall send goods from India to the continent of Europe by any other channel than is allowed by

the act, on pain of forfeiture of double the value; but this restriction is not to extend to matters of agency only on the account, *bona fide*, of any foreign company or foreign merchant.

The territorial revenues are to be applied in the first place in defraying all charges of a military nature; 2dly, in payment of the interest of debts; 3dly, in payment of the civil and commercial establishments; 4thly, in payment of not less than one million per annum for the company's investment of goods to Europe, and remittances and investments to China; and the surplus, if any, to be applied in the discharge of debts, or such other purposes as shall be directed from home.

The net profits of the company's funds at home, after payment of current charges, are thus appropriated. First, in payment of  $10\frac{1}{2}$  per cent. annual dividend, on the present or any increased amount of the capital stock of the company. 2dly, Of 500,000l. per annum in the discharge of certain bills of exchange for the aforesaid reduction of the India debt. 3dly, Of a like annual sum of 500,000l. to the exchequer, to be applied by parliament for the use of the public. And lastly, the surplus may be applied in the more speedy reduction of the India debt at home subject to these appropriations. And after the debt in India is reduced to two millions, and the bond debt at home to 1,500,000l. one-sixth part of the ultimate surplus is to be applied to an increase of dividend of the capital stock; and the remaining five-sixths is to be made a guarantee fund, or collateral security for the company's capital stock, and their dividend of 10 per cent. until such fund, by the monies paid by the company, and the interest thereof, shall have amounted to 12 millions; and after that time the said five-sixths of the surplus is to belong to the public in full right. These five-sixths are to be paid into the bank, and laid out in the purchase of redeemable annuities, in the names of the commissioners for the reduction of the national debt, who are also to receive the dividends, and lay them out in like manner, until 12 millions have been invested. That being accomplished, the annual dividends of the stock purchased therewith are, in the first place, to make good any defalcation in the company's revenue; to pay the 10 per cent. dividend, and subject thereto, those dividends are to

belong to the public. If on the company's exclusive trade being determined, their own assets shall prove insufficient to make good their debts, and also their capital stock, rated at 200 per cent. the excess of such guarantee fund is to make good the deficiency as far as it will extend. And in the event of the company's discontinuing their trade altogether, the excess is to belong to the public. But if the company shall continue to trade with a joint stock, then the overplus, and the annual dividends thereof are to remain as a like guarantee for a dividend of 10 per cent. and for the capital, rated at 200 per cent. as long as the trade company shall trade with a joint stock, but subject to the making good any deficiencies, the said fund is to be deemed the property of the public.

If the bond debt at home, or the debts abroad, after being reduced to the sums before limited, shall be again increased, the former appropriation is to be revived until those debts shall be again diminished to their respective standards before limited.

Any deficiency in the funds to make good the 500,000l. to the exchequer in any year, is to be made good in the excesses of subsequent years, unless it happens in the time of war, or by circumstances incidental to war, in which case the deficiencies are not to be carried forward as a debt on the annual funds of the company, nor to be brought forward as a debt to be paid by the company, unless only in the event of their assets, on the conclusion of the exclusive trade, affording more than sufficient to make good the capital stock, rated at 200 per cent; but an excess of such effects beyond that amount is liable to make good the deficiency of any such payments to the public; no interest is to be computed, in the mean time, on such deficiency.

The securities given by the cashiers of the treasury of the company are to extend to the monies they may receive under this act; and the treasury is to direct the allowances for management; and if the company make default in any payment directed by this act, they may be sued, and shall pay 15 per cent. with costs of suit.

The India company, whether it is regarded merely as a trading company, or as a commercial establishment enjoying the sovereignty of the extensive territories that it possesses in Asia, is a new phenomenon in the political and commercial world. Never before



was so extensive a commercial concern carried on by one set of men, acting under one direction, and dividing profits in a regular manner; and never before did any body corporate act as the sovereigns of so wide an extent of country. The amount of the company's revenues in India is greater than that of the emperor of all the Russias. They are even superior to the free revenue of this country, that is, they are superior to what remains at the disposal of government after the interest of the national debt is paid. The immense distance between this country and India has all along been an obstacle in the way of keeping that controul over their servants there that is necessary for good regulation; not that orders may not be enforced at a distance, but in an active scene, so many unforeseen occurrences take place between the time of instructions being demanded and answers being received, that of necessity a great latitude must be given, and attended by a relaxed degree of responsibility.

The profits divided by the India company over and above five per cent. per annum, for the capital employed do not amount to any considerable sum. On an importation commerce now above six millions per annum, as well as the sovereignty of a country that produces above nine millions, the dividends do not exceed common interest to the amount of more than 60,000*l.* a year, which is not a sum of any importance, when compared with the great scale of the affairs from the conducting of which it arises. The 500,000*l.* to be paid annually to government upon certain conditions has not yet been paid, as the conditions on which that sum was to become due have not been proved to have taken place.

The affairs of the company are upon a great scale for their extent, but they are no less conducted upon a grand and liberal plan by the directors. Every establishment is liberal, and those persons who do a service to the company are generally amply rewarded. The directors have contrived in their actions to combine the magnificence of sovereigns with the economy of merchants; and it is worth remarking, that while West India produce, raised and imported by a free competition, has nearly doubled in price, the produce of the East Indies, brought into this country by a large company that enjoys a monopoly, has not increased in any considerable degree. This is contrary to the best es-

teemed theories respecting trade, monopolies, and free merchants; but in this, as in all other cases, experience should be preferred to even the most plausible theory. See *Exports, Imports, Navigation, Plantation.*

EDINBURGH, the capital of Scotland, lies in W. long. 3 deg. 27 min. and N. lat. 55 deg. 57 min. Within these forty years, the site of this city has been more than doubled, and the number of inhabitants greatly increased, though not altogether to the extent of the additional buildings. Edinburgh itself can scarcely be considered as a place of trade, *Leith*, its seaport, being either the residence of most of the merchants, or at least their trade being conducted at the latter place. The first manufacture of cambrics in Great Britain was introduced in Scotland by a number of French emigrants from Picardy, who took refuge there at the revocation of the edict of Nantz. A row of houses, called *Picardy*, was built for their accommodation, and every assistance granted them. Some of their descendants still remain; and this species of manufacture is now carried on to an immense extent in the west of Scotland, particularly Glasgow and Paisley. Among the variety of manufactures carried on at Edinburgh, that of coachmaking requires particular mention, this being very extensive not only for home consumption but exportation. See *Leith*.

EFFECTS. Moveable property of all descriptions is occasionally comprehended under this name; but it seldom is applied to money, although even that is sometimes included in the general appellation.

EGYPT, a country in Africa, 600 miles in length, but the inhabitable part is extremely narrow, being only what lies on the banks of the Nile, and owes its fecundity to the annual inundations of that celebrated river. Under the article *Alexandria* will be found an account of the commerce of this country with Europe. Here is also a great commerce carried on to the eastward. Suez, a town situated at the bottom or north-end of the Red Sea, is the place at which this trade is conducted. Thither European goods are carried from Cairo and other parts of Egypt by caravans, and thence conveyed in the same manner into Egypt the commodities which the Turkish merchants at Cairo import from the East Indies. The Turkish merchants in Egypt have also a very considerable trade with Constantinople

stantinople and other parts of the Grand Seignor's territories; and they have much commerce with a variety of parts of Asia, whence caravans laden with riches are continually arriving at Cairo. The different nations of Africa likewise contribute to enrich the trade of Egypt. Every year caravans arrive from Tunis, Algiers, Tripoli, and other places of that continent. The Nile conveys almost all the valuable articles that come from Ethiopia, and which are conveyed to Egypt by the Nubians. These articles consist of gold dust, elephants teeth, musk, civet, ambergris, ostrich feathers, gums, and a variety of other merchandize, besides slaves. See *Alexandria, Damietta*.

**ELECTION**, is where a person has by law two remedies, and is compelled to declare which he will abide by: thus a creditor, in cases of bankruptcy, may either prove his debt under the commission, or proceed at law; but in this case he is compelled to make his election. Where also a person having obtained a judgment, and is entitled to execution, he may either take his remedy against the goods or the person, and he may chuse either; but if he proceeds against the person in the first instance, he cannot afterwards have recourse to the goods; but if he take the goods, and these should be found inadequate to his demand, he may afterwards take the body. See *Bankruptcy*.

ELSLINORE, a seaport of Denmark, seated on the Sound in the isle of Zealand. It is the most commercial port in Denmark next to Copenhagen, and contains 5000 inhabitants, among whom are a considerable number of foreign merchants, and the consuls of the principal nations trading to the Baltic. The passage of the Sound is guarded by the fortress of Cronenberg. In return for these tolls, the crown takes the charges of constructing light-houses and erecting signals, to mark the shoals and rocks from the Categate to the entrance into the Baltic. Elsinore has no harbour, but a good and safe road. See *Denmark*.

EMBARGO, an order, given by the sovereign of a country, to prevent the sailing of ships in any harbour or harbours in a country. An embargo is laid for different purposes. At the time of laying on an embargo, the reason for which it is done is not always assigned; it is an act of authority, and not of legal right, though it is a practice conformable to the

law of nature and nations, when circumstances bear out the necessity, or public advantage. Embargoes are sometimes laid in order to prevent intelligence from being carried to an enemy in time of war, and frequently in order that the ships so detained may serve for carrying troops, stores, or otherwise serving the state. The executive power in every government must be armed with the means of protecting itself in time of war, or for annoying the enemy; and it is in virtue of this necessary authority, that the king, by a proclamation, may lay an embargo on the sailing of any vessels in the harbours of his dominions. Embargoes are sometimes laid on in time of peace; but, in that case, the reason is assigned, such as to prevent the exportation of corn, as was the case in 1766. In cases of embargoes it is always understood, that the proprietors, and those who suffer by it, are to be indemnified for whatever loss or damage they may sustain in consequence thereof. See *Marine Insurance, Shipping, Law of Nations*.

EMBDEN, a town in Westphalia, situated in E. long. 7 deg. 5 min. and S. lat. 53 deg. 26 min. It has an excellent harbour, and is commodiously situated for trade. It is a free port, to which every nation may trade without preference. Its exportations consist of corn, butter, cheese, herrings, honey, flax, wax, stockings, and fine linen cloths; its importations, brandy, coffee, tea, sugar, iron, rice, potashes, timber, tobacco, coarse cloths, sail cloth, linseed, hemp, &c.

EMBEZZLEMENTS. By 7 Jac. I. chap. 7, if any sorter, corder, spinster, weaver, or other person in the woollen manufacture, shall unjustly and deceitfully embezzle, sell, or detain, any wool or yarn delivered by any person making cloths or stuffs, such person so offending, as also the buyer and receiver thereof, knowing the same, and being thereof convicted, by confession, or the oath of one witness, before two justices of the peace, mayor, or other chief officer, and one of the aldermen, or most substantial persons in such place, shall make the party aggrieved such satisfaction as the said justice, or other chief officer, shall order; and if the person so offending be unable or refuse to make satisfaction, he shall, for the first offence, be whipped and set in the stocks, and, for the second, incur a further punishment by whipping and

and stocks, at the discretion of the justice, or chief officer.

And, by the 4th section of this act, if any spinner in Essex shall receive wool, to be spun into yarn for any clothier or manufacturer of baize, says, or other stuffs, dwelling in Coggeshall, Bocking, Braintree, Halstead, Witham, or Colchester, and shall deliver back such yarn by any shorter reel than is there used, which is two yards round about, he shall be subject to a like penalty or punishment.

And, by 13 G. III. c. 25, pickers, scribblers, spinners, weavers, or other persons employed in manufacturing woollen cloths, or in preparing materials for that purpose, who shall not return all working tools, wool, yarn, charn, wool or abb, delivered to them to be manufactured, and also all materials with which they shall be entrusted, or otherwise give a satisfactory account of the same, shall fraudulently steam, damp, or water the wool or yarn delivered to be washed; or if any person shall take off, cut, or pick out the list, sorrel, or other marks of any piece of cloth, and shall be thereof convicted, by confession, or the oath of one witness, before a justice, he shall be committed to the house of correction for the space of one month.

Any persons entrusted with tools, wool, or other materials, not having delivered or accounted for the same, who shall abscond, or sell or dispose thereof, or any person fraudulently buying or receiving such tools or materials, or who shall be charged with having embezzled and kept back, by damping, steaming, or watering the wool or yarn delivered, or having sold, bought, or received the same; and if upon search any of the said working tools, wool, &c. shall be found, the person on whom the same shall be found, unless he can give a good account how he came thereby, to the satisfaction of a justice, shall, on conviction, suffer such punishment as is directed to be inflicted on persons not returning tools or materials as aforesaid.

And if any ends of yarn, wefts, thrums, short yarn, or other reflux of short druggot, or of other woollen goods, or of goods mixed with wool (flocks and pinions excepted above the weight of three pounds), be found on any person, who shall not exculpate himself to the satisfaction of a justice, he shall thereupon suffer

the same punishment as persons not returning tools or materials.

Further, if any person offending against this act, shall be charged, upon oath, of having been before convicted thereupon, the justice of the peace before whom he shall be so charged, shall commit him to the house of correction, until the next general quarter sessions (unless such person enter into recognizance, with sureties, to appear and stand his trial at such sessions), when the matter shall be inquired and determined in a summary way; and if the said offender shall be convicted of the said offence, he shall be committed to the house of correction for any time not exceeding three months; and if it shall appear to the justice that he hath been before convicted of any former offence against the stat. he shall be committed for a term not exceeding six calendar months, and be also once publicly whipped.

By 14 G. III. c. 44, any person convicted of selling false or short yarn, shall, for the first offence, forfeit a sum not exceeding 20s. nor less than 5s. for the second offence 5l. nor less than 40s. and, for every after offence, he shall be committed to the house of correction, to be kept to hard labour for the space of one month, and be once publicly whipped at the nearest market town to the place where the offence was committed (the whole of such pecuniary penalty to go to the party aggrieved); and, by 15 G. III. c. 14, the same may be levied by distress and sale, and if the offender have not goods sufficient to answer the said penalty, he shall be committed to the common gaol for the space of one calendar month. By 1 Anne, st. 2. c. 18, persons employed in the working upon the woollen, linen, fustian, cotton, or iron manufactures, within the kingdom, who shall embezzle or purloin any wefts, thrums, cotton, or iron, or by 17 Geo. III. c. 56, tools or implements with which they shall have been entrusted, or drugs or ingredients for dyeing the said materials, or shall sell false or short yarn, he shall on conviction, by confession, or the oath of one witness, before a justice of the peace, forfeit double the value of the damages done, or if he be unable to make sufficient satisfaction, he shall be publicly whipped, and kept to hard labour for 14 days in the house of correction. By 13 G. II. c. 28, and by 22 G. II. c. 27, and 17 G. III.

c. 55, extending and rendering more effectual the act of 15 G. II. if any person employed in the above manufactures, or in the making any felt or hat, or in working or preparing any woollen, linen, fustian, iron, fur, hemp, flax, mohair, or silk, or any of those materials mixed with others, shall put in, embezzle, secret, sell, pawn, or exchange, or otherwise unlawfully dispose of any of such materials, whether they be first wrought or worked up or not, he shall, on conviction before two justices of the peace, by oath of the owner or other witness, or by confession, be, for the first offence, committed to the house of correction or public prison, there to be kept to hard labour, for not less than 14 days nor more than three months, and also, if the justice deem it proper, be once publicly whipped; and for a second or after offence in any of the matters aforesaid, he shall be committed to prison, or the house of correction, for a term not exceeding six months nor less than three, and also publicly whipped or not, at the discretion of the justice; and if any person entrusted with any of the aforesaid materials for the purpose of preparing, or working them up as before mentioned, shall neglect, for the space of eight days after such materials have been prepared or worked up, to return, at the request of the owner, so much of the same materials as shall not have been used or worked up, such neglect shall be considered as an embezzlement of the same, and the offender shall be liable to like penalties as in such cases are provided. And further, by the said act of 17 Geo. III. c. 56, if any person employed to prepare or work up any of the materials before enumerated, shall refuse, or willingly neglect, for the space of eight days, to prepare or work up the same, or having taken in any such materials for the purpose of manufacturing the same, from one master, or two or more being partners, shall afterwards, within eight days before the completion of the materials so taken in, take in, or employ himself in manufacturing any other materials for the like purpose, from any other master, such person, being thereof convicted, by the oath of one witness, before two justices, shall be committed to the house of correction, and there kept to hard labour, for a term not less than one month nor more than three months. And further, if any person shall take in any of the materials aforesaid

under promise, or apparently in order to manufacture them himself, and shall afterwards, without the consent of the owner, put out the same, or any part thereof, to be manufactured by any other person, or if any other person ordered to deliver such materials to one person to be manufactured, shall deliver the same to any other person, every such offender shall be liable to the same penalties as are directed to be inflicted, by the last section, on persons neglecting the performance of their work. And, by 12 G. I. c. 34, and 22 G. II. c. 27, if any person retained in any of the aforesaid arts shall depart from his employment before the time agreed upon, or if he shall quit or return his work before it is finished, according to agreement (unless for cause to be allowed of by two justices), he shall, on conviction before two justices of the peace, be committed to the house of correction, to hard labour, for a term not exceeding three months; or if any person so employed shall wilfully destroy or damage any materials or work entrusted in his care, he shall, on conviction as aforesaid, forfeit double the value to the owner, to be levied by distress and sale, and, in failure of distress, be in like manner committed for a term not exceeding three months. And, by 17 G. III. c. 16, it is enacted, that any journeyman dyer or apprentice who shall be employed in dying any felts or hats, or of any woollen, linen, fustian, cotton, leather, fur, flax, mohair, or silk materials, without the consent of his master, or shall without such consent take in any such materials for the purpose of dying the same, he shall on conviction, for the first offence, forfeit the sum of 10s. and for the second offence 20s. and for every subsequent offence the sum of 40s. the said penalty to be paid to the informer, and in default of payment, the offender to be committed to the common gaol or house of correction for a time not exceeding one month.

Exclusive of the above general statutes, which are applicable to manufactures in all parts of the kingdom, some particular acts have been passed for the regulation of manufactures employed in the woollen and worsted trades, which are merely local: these are principally relating to the counties of York, Lancaster, and Chester; 24 Geo. III. c. 3, applying to the county of Suffolk only; 25 Geo. III. c. 40, extending to the counties of Bedford, Huntingdon,



don, Northampton, Leicester, Rutland, and Lincoln, and to the Isle of Ely; 31 Geo. III. c. 56, referring to the county of Norfolk and city of Norwich.

By 13 Geo. II. c. 8, if any person employed in the manufacture of gloves, breeches, boots, shoes, slippers, leather wares, or other goods or materials used in such manufactures, shall fraudulently embezzle, secret, sell, pawn, or exchange, any of the materials with which he shall be entrusted to work, or any goods or wares when made, or wilfully injure or damage the same, he shall on conviction be made to give satisfaction for the goods or materials so embezzled or damaged, not exceeding double the value of the same, together with the charge of conviction, one half of the penalty to go to the party aggrieved, and the other to the poor of the parish; and if the said penalty be not immediately paid, such offender shall be committed to the house of correction or county gaol, and kept to hard labour for 14 days, and also whipped, if the justice so order; and in case of a second or like offence, such offender shall on conviction forfeit, for each offence, four times the value of the goods embezzled or damaged, with the cost of conviction, and in case of non-payment shall be committed to the house of correction or public prison, and there kept to hard labour, for a term not exceeding three months nor less than one, and also once or oftener to be publicly whipped.

Persons employed in making any gloves, or other the wares or goods aforesaid for one master, neglecting to complete the same by hiring himself to another, he shall be sent to the house of correction, and kept to hard labour, for a term not exceeding one month; liberty of appeal, if aggrieved, to the general quarter session.

And in respect to the bills of mortality in particular, by 9 Geo. I. c. 27, if any journeyman shoemaker within the bills of mortality shall fraudulently purloin, sell, pawn, or exchange, any boots, shoes, slippers, cut leather, lace, lasts, or other materials of his employer, he shall on conviction, by the oath of one witness, or confession, before a justice, be ordered to make satisfaction for the same; and if he refuse or neglect so to do, he shall be whipped in the parish where the offence was committed: for every other

offence to be confined to hard labour for a term not exceeding one month nor less than 14 days.

Silk manufactures. By 12 and 14 Car. II. c. 154, any silk winder or doubler who shall embezzle, pawn, sell, or detain, any silk delivered him to wind or double, he shall on conviction, by confession, or by the oath of one witness, before a justice of the peace, or mayor, or other head officer of a city or town corporate, give such satisfaction for damages sustained, and charges on conviction, as such magistrate shall direct, so that the same do not exceed the damage sustained; and in default of satisfaction made within 14 days after conviction, he shall be whipped, or set in the stocks, and, for any subsequent offence, be punished in such manner, by whipping, or being put in the stocks, as the said justice or officer shall order.

Clock and watch manufactures. By 27 G. II. c. 7, any person who shall be employed to make, finish, alter, repair, or clean, any clock or watch, or any part thereof, or who shall be entrusted by his employer with any gold, silver, or other metal or mineral that shall, in the whole or any part, be wrought for any part of a clock or watch, or with any precious stones set, or to be set, in or about any clock or watch, such person embezzling, selling, pawning, or otherwise unlawfully disposing of the same, shall, for the first offence, forfeit 20l. and in default of payment, be committed to the house of correction or the common gaol, and there be kept to hard labour for 14 days, and if not then paid, he may be whipped at the discretion of the justice.

For every subsequent offence the offender to be committed to the house of correction for not more than three months nor less than one month; and if penalty be not paid within seven days before the expiration of the time for which such offender shall have been committed, the justice may order him to be publicly whipped twice or oftener at his discretion.

And for every subsequent offence the said offender shall forfeit the sum of 40l. which, if not forthwith paid, he shall be committed to the house of correction or public prison, and there kept to hard labour, for a time not exceeding three months nor less than one; and if the same be not paid within seven days

before the expiration of the time for which such offender shall have been committed, the justice may order him to be publicly whipped twice or oftener at his discretion.

By 39 and 40 G. III. c. 106, the 39 G. III. is repealed, and the following provisions are substituted: All contracts heretofore entered into for obtaining and advancing wages, altering the usual time of working, decreasing the quantity of work, &c. (except contracts between master and men) shall be void. Every workman, after passing this act, who shall be guilty of any such offence, to be committed to the common gaol or the house of correction; as also any workman entering into any combination for advancing wages, &c. or who shall endeavour to prevent any workman from hiring himself, or prevail on him to quit his employ, or who shall hinder any master from employing any person, or without reasonable cause refuse to work with any other workmen, and all persons who shall attend any meeting for the purpose of making any such contract, or who shall summons, or endeavour to induce any journeyman, to attend any such meeting, or who shall collect any money, or make or procure any subscription for the purposes aforesaid, such person shall be committed to the common gaol for any time not exceeding three calendar months, or otherwise be committed for any time not exceeding two calendar months; acting contrary to this act, or contributing towards the support of any person to induce him not to work, incurs a penalty not exceeding 10*l*. and any person collecting money for such purposes shall forfeit not exceeding 5*l*. one moiety to his majesty, and the other half to the informer and the poor of the parish. Offences to be determined in a summary way before two justices; penalty to be levied by distress, and in default the offender to be committed to the common gaol or house of correction.

All contracts between masters and other persons for reducing the wages of workmen, or for altering the usual hours of working, or increasing the quantity of work, shall be void, and masters convicted thereof shall forfeit 20*l*. one moiety to his majesty, and the other to the informer and the poor of the parish; which may be levied by distress, and if not paid, the offender may be committed.

Disputes between masters and workmen may be

settled by arbitration. If the arbitrators shall not decide the matter within eight days after submission to their award, either party may require them to state to a justice the points in difference, who shall finally determine the same. Persons summoned neglecting to attend the arbitrators, or refusing to be examined, may be committed; but the parties may enlarge time for making the award.

The submission to arbitration, and the award, may be on unstamped paper, each party to have a copy of the submission.

If an arbitration be demanded, and the submission signed, and the arbitrator named by either party, and the other shall refuse to sign the submission and appoint an arbitrator, he shall on conviction forfeit 10*l*. one moiety to his majesty, and the other to the poor of the parish; which may be levied by distress, and if not to be had, the offender may be committed.

No person guilty in not attending at more than one arbitration at a time, or more than one day.

Non-resident masters may appoint persons to act for them. Appeal may be made to the general quarter sessions, whose decision shall be final.

Servants or clerks taking into their possession any money, or other effects, on their masters' account, and fraudulently embezzling or secreting any part thereof, shall be deemed to have feloniously stolen the same, and such offenders, and their abettors, shall on conviction be liable to be transported for 14 years.

By stat. 39 G. III. c. 85, for protecting masters against embezzlements by their clerks and servants; servants or clerks, or persons employed for the purpose in the capacity of servants or clerks, to any who shall, by virtue of such employment, receive or take into their possession any money, goods, bond, bill, note, banker's draft, or other valuable security or effects, for or in the name, or on the account of their master or employer, who shall fraudulently embezzle, secret, or make away with the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master or employer for whose use, or on whose account the same was delivered to or taken into the possession of such servant, clerk, or other person so employed, although such money, goods, bond, bill, note, banker's draft,

or other valuable security, was or were no otherwise received into the possession of his or their servant, clerk, or other person so employed; and every such offender, his adviser, procurer, aider, or abettor, being thereof lawfully convicted or attainted, shall be liable to be transported to such parts beyond the seas as his majesty, by and with the advice of his privy council, shall appoint, for any term not exceeding 14 years, in the discretion of the court before whom such offender shall be convicted or adjudged.

**EMBROIDERY.** No foreign embroidery, or gold or silver brocade, is permitted to be imported into this kingdom on pain of being seized and burned, and a penalty of 100l. for each piece. No person is allowed to sell any foreign embroidery, gold or silver thread, lace, fringe, brocade, or make up the same into any garment, upon pain of having it burned, and penalty of 100l. by stat. 22 G. II. c. 36.

**EMIGRANTS:** those who quit their own country to settle in another are all emigrants, but that title has of late years been almost exclusively applied to those French clergy and laity who quitted their country in consequence of the revolution. They are, however, improperly named; refugees would be a still more fit denomination, as emigrants are supposed to act from choice not necessity. For the laws and regulations respecting emigrants see *Aliens*.

**ENDORSEMENT.** See *Indorsement*, also *Bills of Exchange*.

**ENGLAND.** See *Britain*.

**ENGLAND, NEW,** a State of North America, bounded on the north by Canada, on the east by New Brunswick and the Atlantic, on the south by that ocean and Long Island sound, and on the west by New York. It contains the State of New Hampshire, Massachusetts, Rhode Island, Connecticut, and Vermont. The ocean and the forest afford its principal articles of export. Cod fish, mackarel, shad, salmon, and other fish, whale oil and whale bone, masts, boards, scantling, staves, hoops, and shingles, are exported in large quantities. The annual amount of cod and other fish for foreign exportation, including the profits arising from the whale fishery, is estimated at above half a million. Besides the articles enumerated, there are exported from the various parts of New England ships built for sale, horses, mules,

live stock, pickled beef and pork, pot ash, pearl ash, flax, butter, cheese, rum, &c.

**ENTRY** is the act of a merchant preparatory to exporting or importing goods; the former is termed entering outwards, and the latter entering inwards.

In making these entries, the merchant ought to be particularly attentive in stating precisely the quantity of the articles, as in case of error in this respect they may be liable to forfeiture.

*Entry inwards.* When a ship arrives in which a merchant has any goods, it is usual to apply to some clerk in the Long Room at the custom-house, to make the entry, who computes the duties, and directs him where to pay them in.

It is the general practice when a ship arrives in the river to nominate some person to act as broker, or ship's husband (except an owner chuses to perform this part himself), who must take an exact account of his loading from the captain's manifest, and report the same at the custom-house, which he does by making two copies, one on a blank sheet of paper, and the other with the oath to be taken by the master of the ship printed thereon, given by the usher of the custom-house, who generally attends in the upper end of the Long Room to administer oaths, &c. and the report is to be made accordingly.

In making entries, it is usual for merchants to include all the goods they may have on board the same ship in one, though sometimes they may happen to be of twenty different descriptions.

When the entry is made in hundred weights, quarters, or pounds, the quantity must be made up in hundred weights, quarters, or pounds. When an entry is made in hundred weights, the tare per cent. is to be computed thereon.

Whatever is entered by toll or measure, if found to exceed the excess, is liable to seizure (except linens, provided they are not a full ell too long in each piece).

In goods entered *ad valorem*, particular care must be taken that the goods entered are what they express in the warrant. Two surveyors are to sign the value; but if the goods are entered, value so much per piece, or pounds, they must be tallied or weighed, and the surveyor must certify to the value. If the officer upon inquiry has reason to think that such goods are

not entered at the full value, he may stop them and represent the matter to the board; after which, if the goods are detained, the merchant receives a return of the duty he has paid, with 10 per cent. upon the valuation, given by a certificate from the land waiter, upon which the board makes the order. See *Customs*.

**ENTREPOT**, a public magazine appointed by the sovereign or state in most foreign countries for the reception of all merchandize imported, with a design either to be carried through the dominions of the sovereign or state where they are debarked, or to be re-shipped for some other country. Merchandize thus landed, not being subject to the duties on importation, the care of them must be confided to the officers of the customs, who generally give a receipt, and keep exact registers of all such goods deposited in their entrepot. A small consideration is given for the liberty of thus depositing goods in the public magazine, which differs in every country, as well as the formalities to be observed. In Flanders all merchandizes in general pay one half per cent. on the value for the use of the entrepot for 12 months, at the expiration of which term it may be renewed on the same conditions.

In some of these entrepots it is a regulation that the merchandize must be passed through the country without being unpacked, and in the same form and quantity that it entered the country. In others, it is permitted to open bales or boxes in the entrepots, to enter at the custom-house any separate part, and dispose of it on the spot, and to pass the remainder by transit, or re-ship it, or to dispose of the whole in the country, paying the duties of import only on such parts as are disposed of or taken out of the entrepot for consumption in the country. These entrepots are of vast utility to commerce, and indeed it would not be possible to carry on any considerable trade on the continent of Europe without them; the convenient situation of many ports rendering it necessary to land goods in them which are destined for other countries, and where these are not free ports, if all merchandize was to pay the duties of the country where it was landed, and afterwards those of the place of its destination, commerce would be at a stand, but by means of this facility it is considerably improved.

**ENTREPOT CITY**, is a city which trading nations make choice of as the general magazine for all sorts of merchandize destined for that quarter of the globe where it is situate. Smyrna is the magazine of the Levant, where the English, the French, the Dutch, and the Venetians, lay up their merchandize destined for Persia and the dominions of the Grand Seignior.

Nearer home, Dunkirk was formerly considered as the entrepot of France, and Ostend was a considerable entrepot for goods passing to many parts of Germany, Flanders, Brabant, to Lorraine, the Liege country, and to France. What the new regulations and entrepots may be, is yet very uncertain.

**EUROPE**, the smallest but most valuable and important quarter of the world, bounded on the north by the Frozen Ocean, on the west by the Atlantic, on the south by the Mediterranean, and on the west by the Archipelago, the Black Sea, and the rivers Don, Volga, and Oby, which separate it from Asia, being about 3,300 miles in length and 2,200 miles in breadth, and lying between West long. 9 deg. 35 min. and East long. 72 deg. 25 min. and North lat. 35 deg. 72 min. Europe although it possess not the rich commodities of the hot climates, produces abundance of the articles most necessary for the use of man, and for maintaining a commercial intercourse, not only between its different nations, but with all the other parts of the world, so as to enjoy the various luxuries of Asia, Africa, and America. This proceeds from its commodious situation, and in most places, moderate temperature of climate, which has produced an earlier and better population than other countries, except, perhaps, some parts of Asia; and certainly a higher degree of civilization than prevails elsewhere. To speak of the commerce of Europe in general, would serve little purpose. The accounts of the different commercial places, &c. of Europe, will be found under the several respective heads.

**EUSTATIA**, Sr. one of the Caribbee Islands, belonging to the Dutch. It is little else than a large mountain, and cultivated to its top principally with tobacco, but from the perseverance of the Dutch, is a place of considerable commerce and consequence.

**EVIDENCE**. Evidence is the testimony adduced before



fore a court or magistrate of competent jurisdiction, by which such court or magistrate are enabled to ascertain any fact which may be litigated between the parties.

This may be of two kinds, viz. *written* or *verbal*, the former by deeds, bonds, or other written documents, the latter by witnesses examined  *viva voce*.

Previous to the time of Lord Mansfield, *credibility* and *competency* of witnesses were frequently confounded; these terms are now, however, well understood, and properly defined.

Evidence may be further divided into *absolute* and *presumptive*; the former is direct, in positive or absolute affirmation or denial of any particular fact; the latter collateral, and from the conduct of the parties affords an inference that such a particular fact did or did not occur.

The party making an affirmative allegation which is denied by his adversary, is in general required to prove it, unless, indeed, a man is charged with not doing an act which by the law he is required to do; for here a different rule must necessarily prevail, and the rule is, that the evidence must be applied to the particular fact in dispute; and therefore no evidence not relating to the issue, or in some manner connected with it, can be received, nor can the character of either party, unless put in issue by the very proceeding itself, be called in question; for the cause is to be decided on its own circumstances, and not to be prejudiced by any matter foreign to it.

It is an established principle that the best evidence the nature of the case will admit shall be produced, for if it appears that better evidence might have been brought forward, the very circumstance of its being withheld, furnishes a suspicion that it would have prejudiced the party in whose power it is, had he produced it. Thus, if a written contract be in the custody of the party, no verbal testimony can be received of its contents. If the execution of a deed be attested by a subscribing witness, he alone is competent to the best evidence, but this is only understood of such evidence as is sufficient, and not all the evidence which might be given. If there are two subscribing witnesses to a deed, or a dozen present at the making of a verbal contract, the evidence of any one while uncontradicted is sufficient.

The law never gives credit to the bare assertion of any one, however high his rank or pure his morals; but requires (except in particular cases with respect to quakers) the sanction of an oath, the personal attendance of the party in court that he may be examined and cross examined by the different parties, and therefore in cases depending on parole or verbal evidence, the testimony of persons who are themselves conversant with the facts they relate, must be produced, the law paying no regard, except under very special circumstances, to the hearsay evidence. Thus in some cases the memorandum in writing made at the time by a person since deceased, in the ordinary way of his business, and which is corroborated by other circumstances, will be admitted as evidence of the fact.

What a party has himself been heard to say does not fall within the objection. As to hearsay evidence, any thing therefore which the party admits, or which another asserts in his presence, and he does not contradict, is received as evidence against him; but what is said by his wife, or any other member of his family in his absence, will be rejected.

But a distinction must be made between admission and an offer of compromise after a dispute has arisen. An offer to pay a sum of money in order to get rid of an action, is not received in evidence of a debt; the reason often assigned for it by Lord Mansfield was, that it must be permitted to men to buy their peace without prejudice to them if such offer did not succeed, and such offers are made to stop litigation, without regard to the question whether any thing, or what is due: therefore, if A sue B for 100*l.* and B offers to pay him 20*l.* it shall not be received in evidence, for this neither admits nor ascertains any debt, and is no more than saying, he would give 20*l.* to get rid of the action; but if an account consist of ten articles, and B admits such a one is due, it will be admitted as good evidence for so much.

Admission of particular articles before an arbitration are also good evidence, for they are not made with a view to compromise, but the parties are contesting their different rights as much as they could do on a trial.

In cases where positive and direct evidence is not to be looked for, the proof of circumstance and fact consistent

sistent with the claim of one party, and inconsistent with that of the other, is deemed sufficient to enable the jury, under the direction of the court of justice, to presume the particular fact which is the subject of controversy; for the mind comparing the circumstances of the particular case, judges from those circumstances as to the probability of the story, and for want of better evidence, draws a conclusion from that before it.

Written evidence has been divided by lord chief baron Gilbert into two classes; the one that which is public, the other private; and this first has been subdivided into matters of record, and others of an inferior nature.

The memorials of the legislature, such as acts of parliament, and other proceedings of the two houses, where acting in a legislative character, and judgment of the king's superior courts of justice, are denominated records, and are so respected by the law, that no evidence whatsoever can be received in contradiction of them; but these are not permitted to be removed from place to place, to serve a private purpose, and are therefore proved by copies of them, which in the absence of the original, is the next best evidence.

These copies are of three kinds: 1st, such as are exemplified under the great or broad seal, and can only be of proceedings in the court of chancery, or those of the other courts returned there by certiorari; 2d, an exemplification under the seal of the court in which the proceedings are; or lastly, a copy examined with the original by a witness, and proved by him on oath. An exemplification under the great seal is the only evidence where the record itself is put in issue.

The exemplification or copies under seal are considered as of higher authority than any sworn copy of the courts of justice, and therefore no other proof is necessary of such copies than the production of them.

Something similar to the exemplifications under the seal of a court, are what are denominated *office copies* of its proceedings, granted out and authenticated by an officer appointed by the law for that purpose.

A verdict until final judgment is entered, is no evi-

dence of the fact being legally decided, but the *postea* is good evidence to shew that a trial was had between the said parties, so as to introduce an account of what a witness who is since dead swore at that trial, for which purpose even a non-suit is evidence. A verdict on an issue out of chancery, however, is full proof of the fact it finds, though no judgment is entered upon it, for the decree is equal proof that the verdict was satisfactory, and stands in force.

Writs issuing out of the courts at Westminster are not considered as records till returned and filed in the court; such as proceedings in the court of chancery, proceedings in the ecclesiastical or admiralty courts.

Those in foreign courts, inferior jurisdictions, acts of state, and general history, commissions executed on public occasions, parish registers, all other things which apply to several persons, are in some degree of a public nature, as the rules of court baron, terriers, and books of public companies and corporations.

The proceedings of foreign courts ought to be authenticated by a notary public, and the seal of the place from whence it comes annexed to it.

A judgment or sentence of a foreign court is conclusive, unless it appears upon the face of it that judgment has been made upon a principle contrary to the laws of that country, and only in that case evidence may be received to prove it to be so, and in no instance can the merits of the case be entered into.

Depositions taken abroad in consequence of a commission issuing out of a court of justice in England, must be opened by, or by the order of the justice or other persons to whom they may be addressed, otherwise they cannot be read.

Judge Gould, in the absence of the chief justice of Common Pleas, had a commission of this sort addressed to the chief justice. It was with much difficulty that the court could be prevailed upon to confirm the act and permit them to be read.

The decree in a court of chancery is evidence on the same principle as a judgment in a court of law, and subject to the like rules, viz. that where it respects private property or individuals, it is only evidence against parties to the suit, or others claiming through them; but where the question is of a public nature, it

it is then evidence against all persons standing in a similar situation with the parties to it.

Of the same authority as answers, depositions, and decrees of the court of equity, are the depositions, answers to libels, and sometimes in the ecclesiastical and admiralty courts, in a question arising within their respective jurisdictions.

Therefore probate of a will of personal property, letters of administration, or a sentence in a matrimonial cause in the one court, or an adjudication of prize, &c. in the other, are evidence of the rights of the parties. The right to personal property under a will, can be proved by no other evidence than the probate, and while that exists, no person whatsoever can be permitted to shew it improperly granted, or after it is repealed, to avoid any payment which has been made under it. But it may be shewn that the seal to the probate was forged, or that letters of administration have been repealed to prevent any right being claimed under them, for that does not controvert the judgment of the ecclesiastical court.

The judgment or the sentence of a foreign court is received in our courts as evidence of the right it establishes, or the fact directly found by it; though in an action on a foreign judgment, the judgment is *prima facie* evidence of the debt, it is not conclusively so, but our courts will examine into it for that purpose, receive evidence of what the law of a foreign state is, and what the judgment is warranted by the law. In all other cases our courts give entire faith and credit to the sentence of foreign courts, and consider them as conclusive; therefore if on a libel against a ship, any question arises on the law of nations, and a foreign court of admiralty adjudges such ship to be a lawful prize for breach of neutrality, being enemies property, or other fact which by the law of nations is cause of forfeiture, the sentence is complete and conclusive evidence of the fact on which it is founded, against all the world; and if they state the evidence from which they draw the conclusion, no court in this country can take into their consideration whether such conclusion was right or otherwise. In this case, however, the adjudication is only evidence of the conclusion on which the condemnation is founded, such as the property belonging to an

enemy or the like, and not of the facts stated by way of evidence.

The proof of these proceedings has generally been by copies under the seal of the court in which they were. There seems no objection to the seal of a court acting on the law of nations being received as evidence of itself, but on principles it should seem that to prove the seal of a mere municipal court some evidence should be given of its authenticity.

Judgments in a court baron, county court, or other inferior courts, though not records, are no evidence.

When any public measure has been adopted by the government of this country, it is usual to announce such measure to the public by means of a gazette, which is published under the sanction and controul of government; and of any act of state so announced, this gazette is of itself sufficient evidence. The king's proclamations, addresses from the people to the crown, and the like, may be proved in this manner, without a production of the proclamation or address itself. For the same reason, proclamations and the articles of war, as printed by the king's printer, are received as sufficient evidence of them; and the register of the navy office, with proof of the method there used to return all persons dead with the mark *dd*, is sufficient evidence of death; as are the daily books of a public prison to prove the time of a person's discharge, or the log-book of a man of war.

The register kept in churches of births, marriages, and burials is also evidence; and in all civil cases, except in actions for criminal conversation, a marriage may be proved by reputation; and as to birth, where a register is not kept, the oath of a person present at the birth, and in case that cannot be had, the oath of a parent, is taken.

Corporation books concerning the public government of a city or town, when publicly kept, and the entries made by a proper officer, are received as evidence of the facts contained in them; and examined copies being evidence, courts of justice will not order the production of the originals, unless a particular ground for that purpose is laid before them.

Copies from the bank books are good evidence to prove a transfer of stock in the public funds; and the like seems to be the case with respect to books of the

East India Company, though this point has not been expressly decided, for they are equally within the principle, that when an original is of a public nature, and would be evidence if produced, an immediate sworn copy thereof is evidence.

Of private deeds, or other instruments, the production of the original, if in existence, and in the power of the party using it, is always required, till which is done, no evidence whatever of the contents can be received; but when the original has been destroyed, or lost by accident, as where an original award was lost in a mail coach which was robbed, or being in the hands of an adverse party notice was given him to produce it, then an examined copy, or even parol evidence of the contents, being the best evidence in the power of the party, is received; it being first proved, in case a copy is effected, that the original, which purports to be a copy, was a genuine instrument.

The instrument being produced, if there be a subscribing witness who is living, and in a situation to be examined, he alone is competent to prove the execution, because he may know and be able to explain facts attending the transaction which a stranger may not; and for this reason it has been held, that a confession or acknowledgment of the party to the deed will not excuse this testimony. This rule of evidence extends to all cases, whether the deed be an existing deed or cancelled; and even if it be lost, and parol evidence given of its contents, the subscribing witness, if known, must be called; but if he is not known, any other person who has seen it is a competent witness.

Subscribing witnesses are not necessary to the validity of a deed, and therefore if there be none, or the subscribing witness being called denies having seen the instrument executed, or it appears that the name of a fictitious person is put as a witness by the party himself who executed the deed, or that the person really attesting it, at the time of the execution of the deed, was interested in it; in these cases proof of the hand-writing of the party will be sufficient: and if the instrument, on the face of it, purports to be sealed and delivered, such proof is strong evidence for a jury to presume that the other formalities were complied with.

When the subscribing witness is dead, or resident in a foreign country, or by the commission of some crime, or the account of some interest subsequent to the execution of the instrument, has become an incompetent witness, proof of his hand-writing is the best evidence which can be given in the first case, viz. where he is dead this alone has been held sufficient; but in the others it has been usual, and seems to be necessary, to prove the hand-writing of the party to the deed also; and in all these cases a foundation must be laid, by proving the situation in which the witness stands.

By stat. 26 G. III. c. 57. s. 38, deeds executed in the East Indies, and attested by persons resident there, may be proved by evidence of the hand-writing of the obligor and witnesses, and that the witnesses are resident there, and that the like proof is made sufficient evidence in the East Indies of any deed executed in Great Britain.

Where a bond was executed abroad, one witness being dead, and the other resident abroad, proof of the hand-writing of the deceased witness was held sufficient, without proof of the hand-writing of the other or the obligee. *Adams v. Kerr*, 1 Bos. & P. 360. *Wallis v. Delancey*, 5 T. R. 266.

It frequently happens that there is more than one witness to a deed; and in the case of a will of lands the statute of frauds expressly requires three witnesses: nevertheless, in these cases, it is sufficient if one be called, but if they are all dead, the deaths of all should be proved before evidence is received of the hand-writing of either; for until it appears that neither of them is living, the other is not the best evidence that the nature of the case will admit of.

Courts of justice reject all evidence from comparison of hands; they will not therefore permit two papers, one of which is proved to be the hand-writing of a party, to be delivered to a jury for the purpose of comparing them together, and thence inferring that the other is also of the hand-writing. *Macfarren v. Thwaytes*, Peake N. P. 20.

If trover be brought for a note or bill of exchange, notice must be given to produce the original before evidence of its contents will be admitted; and in like manner a letter, informing a man of the dishonour



of a bill, or the like, cannot be proved until a similar notice has been given.

A deed of above 30 years standing requires no further proof of its execution than the bare production, provided the possession has been according to the provision of the deed, and there is no apparent erasure or alteration on the face of it.

A deed or instrument produced and proved is conclusive upon the rights of the parties, and no parol evidence can be received to contradict it; but if ambiguity arises, it can be explained by evidence.

Courts are, in all cases, extremely cautious in admitting parol evidence to supply or explain a written instrument: it never ought to be suffered to explain away or contradict an explicit agreement, for that is in effect to vary it.

Where the condition of a deed is fraudulently expressed to be more or less, or different from what it is, in cases of usury and the like, it is competent to either party to prove the truth of the case, notwithstanding the deed. *Rex v. Scanlenden*, 3 T. R. 474.

*Parol evidence of persons incompetent to give evidence, by reason of the inability of their understanding.* All persons who are examined as witnesses must be fully possessed of their understanding; that is, such an understanding as enables them to retain in memory the events of which they have been witnesses, and give them a knowledge of right and wrong. *Bul. N. P.* 293.

In the next place the moral character of a witness is to be considered; when stigmatized by a conviction of certain crimes, his evidence is wholly inadmissible, and he becomes what the laws call an *incompetent* witness; but other crimes, though much detracting from the character and credibility of a man, do not render him so totally infamous as to prevent him from being heard in a court of justice; nevertheless the parol testimony of witnesses upon oath, as to his general character, is received as evidence, to be left to a jury whether such a man is a person in whose relation reliance can be placed. The *vis et* evidence to destroy the credit of a witness must be that of persons who have known his general character, and who take upon themselves to swear from such knowledge that they would not believe him upon oath;

this general evidence is all they are allowed to give against him, for no man can be supposed prepared to give a history of all the transactions of his life, in answer to a charge suddenly made upon him in a court of justice; but the party whose interest it is to support his character, may call upon the witness against him to declare the grounds on which his opinion of him is founded: though only general evidence can be given as to his general character, yet declarations made by him on the same subject, contrary to what he swears at the trial, may be given in evidence to impeach his credit. Even after the death of a subscribing witness, a confession made by him on his death bed, that the will he attested was a forgery, may be given in evidence to rebut the presumption arising from proof of his hand-writing.

A conviction of treason or felony, and every species of treason and felony, such as perjury, conspiracy, barratry, &c. prevents a man, when convicted of them, from being examined in a court of justice. When a man is convicted of any of the offences before mentioned, and judgment entered up, he is for ever after incompetent to give evidence, unless the stigma is removed, which in case of a conviction of perjury on the stat. of 5 Eliz. c. 9, can never be by any means short of a reversal of the judgment, for the statute has, in this case, made his incompetency a part of the punishment; but if a man be convicted of perjury, or any other offence at common law, and the king pardons him in particular, or grants a general pardon to all such convicts, this restores him to his credit, and the judgment no longer forms an objection to his testimony; but an actual pardon must be shewn under the great seal, the warrant for it under the king's sign manual not being sufficient. To found this objection to the testimony of a witness, the party who intends to make it should be prepared with a copy of the judgment regularly entered upon the verdict of conviction, for until such judgment is entered the witness is not deprived of his legal privileges.

Persons may also be incompetent witnesses by reason of their interest in the cause. The rule which has the most extensive operation in the exclusion of witnesses, and which has been found most difficult in its application, is that which prevents persons interested

terested in the event of a suit, unless in a few expected cases of evident necessity, from being witness in it. Of late years the courts have endeavoured, as far as possible consistent with authorities, to let the objection go to the credit rather than the competency of a witness; and the general rule now established is, that no objection can be made to a witness on this ground, unless he be distinctly interested, that is, unless he may be immediately benefited or injured by the event of the suit, or unless the verdict to be obtained by his evidence, or given against it, will be evidence for or against him in another action in which he may afterwards be a party; any smaller degree of interest, as the possibility that he may be liable to an action in a certain event, or that, standing in a similar situation with the party by whom he is called, the decision in that cause may by possibility influence the minds of a jury in his own, or the like, though it furnishes a strong argument against his credibility, does not destroy his competency.

On the question, how far persons who have been defrauded of securities, or injured by a perjury or other crime, can be witnesses in prosecuting for those offences, the event of which might possibly exonerate them from the obligation they are charged to have entered into, or restore to them money which they have been obliged to pay. The general principle now established is this, the question in a criminal prosecution or personal act being the same with that in a civil cause, in which the witness is interested, goes generally to the credit, unless the judgment in the prosecution where he is a witness can be given in an evidence in this cause wherein he is interested. But though this is the general rule, an exception to it seems to be established in the case of forgery; for many cases have been decided, that a person whose hand-writing has been forged to an instrument, whereby if good he would be charged with a sum of money, or one who has paid money in consequence of such forgery, cannot be a witness on the indictment. In cases where the party injured cannot by possibility derive any benefit from the verdict in the prosecution, as in indictments for assault, and the like personal injury, his competence has never been doubted. It is a general rule, that a party cannot be examined as a witness, for he is in the highest degree interested in

the event of it; but where a man is not, in point of fact, interested, but only a nominal party, as where members of a charitable institution are defendants in their corporal character, there is no objection to an individual member being examined as a witness for the corporation, for in this case he is giving evidence for the public body only, and not for himself as an individual. *Weller v. Godman* of Foundling Hospital, *Peake's Cas.* 153.

But instances sometimes occur in which persons substantially interested, and even parties in a cause, are permitted to be examined from the necessity of the case, and absolute impossibility of procuring other evidence.

In an action on the statute of Winton, the party robbed is a witness; and on the same principle of necessity it has been holden, that persons who become interested in the common course of business, and who alone can possibly have knowledge of the fact, may be called as witnesses to prove it, as in the case of a servant who has been paid money, or a porter who, in the way of his business, delivers out or receives parcels, though the evidence whereby he charges another with the money or goods exonerates himself from his liability to account to his master for them; for if this interest was to exclude testimony there would never be evidence of any such facts. *Bul. N. P.* 289. *Spencer v. Golding*, *Peake's N. P. Cas.* 129.

On the same principle the acceptor in a bill of exchange is a competent witness in an action against the drawer, to prove that he had no effects, and thereby prevent the necessity of notice to him; for though by supporting the action against the drawer, he relieves himself from an action at the suit of the holder, he, at the same time, gives an action against himself at the suit of the drawer, in which the evidence he has given of the want of consideration will not avail him, but must be proved by another witness; but when a man is proved to be a partner with another, against whom an action is brought, he is no witness to prove the goods were sold to the other as his servant, and on his sole credit, because here the action which he gives against himself is countervailed by a greater interest, in getting rid of the moiety of the costs of the present action, to which he as a partner would

would be liable. *Staples and others, K. B. sittings after E. T. 1795, Goodaire v. Breame, Peake's N. P. 194.*

Not only the interest must exist at the time of the transaction, but it must continue to the time of the trial; and therefore when a witness is interested by being ostensible to one of the parties, or will have a demand on that party in case the cause is unsuccessful, a release from the party to the witness, or from the witness to the party, as the case may require, by taking away his interest, restores his competency; as in these cases, if the party who wishes to call the evidence tenders a release to him, and he refuses to accept it, or the witness having a claim tenders a release to him, and he refuses to accept it, he may be examined as a witness; for neither the witness himself, nor the party in the cause, can exclude his testimony by an objection on account of his interest, where that interest has in fact been removed.

A man interested in the event of a suit, is objectionable only when he comes to prove a fact consistent with his interest; for if the evidence he is to give is contrary to his interest, he is the best possible witness that can be called, and no objection can be made to him by the party in the cause. In this case, however, he may himself sometimes object to be examined, because his evidence may subject him to future inconvenience.

It has been before mentioned that no one can be a witness for himself, and it follows of course husband and wife, whose interest the law has united, are incompetent to give evidence on behalf of each other, or of any other person whose interest is the same; and the law, considering the policy of marriage, also prevents them from giving evidence against each other, for it would be hard that a wife, who could not be a witness for her husband, should be a witness against him; such a rule would occasion implacable divisions and quarrels between them. In like manner, as the law respects the private peace of men, it considers the confidential communications made for the purpose of defence in a court of justice. By permitting a party to entrust the cause in the hands of a third person, it establishes a confidence and trust between the client and person so employed.

Barristers and attorneys, to whom facts are related

professionally during a cause, or in contemplation of it, are neither obliged nor permitted to disclose the facts so divulged during the pendency of that cause, or at any future time; and if a foreigner, in communication with his attorney, has recourse to an interpreter, he is equally bound to secrecy.

Where a man has, by putting his name to an instrument, given a sanction to it, he has been held by some judges to be precluded, or stopped from giving any evidence in a court of justice which may invalidate it; as in the case of a party to a bill of exchange or promissory note, who has been said not to be an admissible witness to destroy it, on the grounds that it would be enabling two persons to combine together, and by holding out a false credit to the world, to deceive and impose on mankind. On this principle it was held, that an indorser could not be a witness to prove notes usurious in an action on a bond founded on such notes, though the notes themselves had been delivered up on the execution of the bond. At one time this seems to have been understood as a general principle applying to all instruments; but in a case where an underwriter of a policy of insurance was called to prove the instrument void as against another underwriter, and objected to on this ground; the court declared that it extended only to negotiable instruments, and he was admitted to give evidence destructive of the policy.

A debt on 7 G. II. c. 8, against stock-jobbing, the plaintiff called Norden the broker, who made the contracts, to prove the fact: by the 4th section of the act of parliament which imposes a penalty of 500l. he refused to answer any question which might tend to charge himself with such penalty. Gibbs, for the plaintiff, contended, that as this was not an indictable offence, but merely subjected the party to a pecuniary penalty, he could not compel him to give evidence. The plaintiff was nonsuited. *Raines v. Foregood, K. B. sit. at Guildhall after Mich. Term, 37 G. III.*

When a witness is not liable to any legal objection, he is first examined by the counsel for the party on whose behalf he comes to give evidence as to his knowledge of the fact he is to prove. This examination, in cases of any intricacy, is a duty of no small importance in the counsel; for as, on the one

hand, the law will not permit him to put what are called leading questions, viz. to form them in such a way as would instruct the witnesses in the answers he is to give; so, on the other, he should be careful that he makes himself sufficiently understood by the witness, who may otherwise omit some material circumstance of the case.

The party examined must, as was before observed, depose those facts only of which he has an immediate knowledge and recollection; he may refresh his memory with a copy taken by himself from a day-book; and if he can then speak positively as to his recollection it is sufficient; but if he has no recollection further than finding the entry in his book, the book itself must be produced. Where the defendant had signed acknowledgments of having received money in a day-book of the plaintiff, and the plaintiff's clerk afterwards read over the items to him, and he acknowledged them all right, it was held, that the witness might refresh his memory by referring to the books, although there was no stop to the items on which the receipt was written, for this was only proving a verbal acknowledgment, and not a written receipt.

Lord Ellenborough, upon the authority of Lord Chief Justice Tully, has recently laid down a very important doctrine, viz. that no witness shall be bound to answer any question which tends to degrade himself, or to shew him to be infamous. This doctrine was very warmly controverted by Mr. Erskine, as contrary to practice; but his lordship affirmed it to be the law of England.

EXCHANGE, is the paying or receiving money in one country for a like sum in another, by means of bills of exchange. When there is a connection in trade between two countries, there must ultimately be a balance maintained between them, as well as between the individuals who compose the trade, either by a barter of articles to make an equivalent, or the difference, on which ever side it is, must be remitted over in coin or bullion, or some real value. This is the real nature of the case; but as the sending over bullion or coin is attended with risk and expence, an expedient has been fallen upon through the medium of bills of exchange, which is attended with much convenience and advantage. The whole accounts of two nations might balance com-

pletely, yet those of the individual merchant certainly never could; and therefore, were the respective differences to be paid in gold or silver on each side, there would be constantly sums of money passing in opposite directions. Suppose, for example, London and Paris buy and sell from each other to the same amount during the year, yet A in Paris owes always money to B in London, who sends him English manufactures; and C in London always owes money to E in Paris for French wines which he imports. If each of the two merchants owing were to settle his differences in the mode by sending over money, then A would be constantly sending money to London, and E would be sending in like manner to Paris. The expence, risk, and inconvenience of this would be great; to avoid which all merchants who have money due in other countries, draw bills to the amount on the person owing, or the persons owing remit bills to those to whom they have a balance to pay. This is called, in mercantile language, *Exchange*; and if the transactions between the two places be equal, the bills drawn and redrawn would in their amount balance each other. But when this is not the case, specie or bullion must ultimately be sent from the one to the other, unless by means of some third place, which deals with both, a balance can be obtained.

In consequence of this situation there are always a number of persons who have money to receive from and to pay at different places of commerce. Those who draw, negotiate their bills with those who have remittances to make.

Whatever may be the denomination or value of the coin circulating in any country, there is always a rate of exchange, founded upon its intrinsic value, which is called par, between every two countries; but in proportion as the demand may be greater or smaller between one country and another, bills or money become plenty or scarce. When in the market or upon 'Change, which is the money market, the bills drawn are in greater quantities than the remittances, then they sink in value, and the rate of exchange is said to be against the place, or unfavourable. When, on the contrary, there are more bills wanted than can easily be obtained, the rate of exchange is said to be favourable, and is above par.

Not only may the balance between two nations be



be equal when that between individual merchants is unequal, but within a year the balance of remittances may vary several times, and together with it the rate of exchange must vary as often. The trouble, risk, and expence of sending bullion or specie from one country to another prevents what is called *par* from ever taking place with perfect accuracy, because the alternative being the actual transport of money is attended with considerable expence. The difference is regulated by that: as for example, the rate of exchange between London and Edinburgh never can rise high or sink low, because neither the laws of the land, nor any physical difficulty, are in the way to attach great expence to the conveyance of specie. Between different countries the matter is otherwise. The prohibition of sending out money in coin, and the formalities necessary in the case of transporting bullion, make it impossible to settle the balance without loss; and of consequence merchants are inclined to let the difference run to a considerable height before they have recourse to the actual expedient of sending gold or silver.

As the eyes of men are always open to gain, the trade in bills, where no real transaction has taken place, has become a great business. Brokers are employed to negotiate the bills of merchants; hence they become acquainted with the real situation of the trade with different countries, and can contribute not a little, on occasions, to their mutual rise or depression.

Such is the nature and explanation of exchange; but it would be improper to pass it over entirely without noticing, that upon these real transactions, and the positions, situations, and circumstances, they produce those imaginary speculations which take place. Though a bill of exchange was originally intended only to exist in consequence of a real transaction, yet men who did not enjoy credit, though the transaction was real, could get no money for them; and, on the contrary, when the drawers do enjoy credit, they can as easily get money for a fictitious bill as a real one: hence men enjoying good credit have, on numerous occasions, drawn and redrawn, which they do by the assistance of a third person. A draws on B, who, in place of redrawing on A, draws on C, who again draws on A; so that in fact the whole transaction is annulled without any direct drawing and re-

drawing, which is avoided, as being a discreditable and suspicious transaction. This sort of business has been practised to a great extent, and though ultimately, or from time to time, the real balance will regulate the rate of exchange, yet speculation, or imaginary transactions, have been known frequently to surpass in importance and extent the real ones, and for a time regulate the course of exchange entirely.

It is evident that speculative transactions must ultimately balance each other; and that if any specie or bullion is sent, it must be done in consequence of real business transacted.

If the transactions between two countries balance exactly, the course or rate in each would be at *par*, that is, bills would produce their value, less only the interest till the time of falling due, and the expences incident to the transaction.

The following table will shew the course of exchange, as taken from Lloyd's List on the 1st of July 1802, together with the usance, days of grace, and money in which bills are payable to those places with which London has a direct exchange.

From London on	Course.	Usance.	Days of grace.	Money in which it is supposed to be paid.
Amsterdam	10. 15	1 month	6	Florins and stivers
Hamburg	33. 3	1 do.	12	Schellings and groots
Paris	28. 15	30 days	10	Liures, cents
Madrid	33.	2 months	14	Plustres
Leghorn	31½	3 do.	1	Dollars
Naples	44	3 do.	3	Ducats
Genoa	47½	3 do.	30	Liri picolé
Venice	59	3 do.	6	Ducats
Lisbon	67	30 days	6	Milre
Dublin	112½		3	{ Irish Currency.

# EXC

London has no direct exchange with the following places, but generally business is negotiated by bills on some one of the places already named.

Par in sterling money.

		£.	s.	d.
Augsburgh	1 florin	-	0	3 1 $\frac{1}{2}$
Berlin	1 rix dollar		0	4 0
Bologna	1 dollar	-	0	4 3
Bolsenna	1 rix dollar		0	3 8
Bremen	1 rix dollar		0	3 6
Breslaw	1 rix dollar		0	3 3
Dantzic	13 $\frac{1}{2}$ florins		1	0 0
Emden	1 rix dollar		0	3 6
Florence	1 crown		0	5 4 $\frac{1}{2}$
Frankfort	1 florin		0	3 0
Milan	1 ducat		0	4 7
Berne	1 crown		0	6 1 $\frac{1}{2}$
Russian towns	1 ruble		0	2 6
Sicily	1 crown		0	5 0
Stetin	1 mark		0	1 6
Stockholm	34 $\frac{1}{2}$ dollars		1	0 0
Turkish towns	1 asper		0	4 6
Vienna	1 rix dollar		0	4 8
Brunswick	1 rix dollar		0	4 6
Cologne				
Cracow				
Denmark				
Dresden				
Leige				
Leipsig				
Narva				
Norway				
Osnaburg				
Revel				
Riga				

The par of exchange depends on the intrinsic value of the money in which bills are paid, and never varies considerably but when the sovereign or state rises or lowers the value of the coin. As to the course, it has already been shewn how and why it varies; but those variations are no more susceptible of calculation than the rise or fall of any commodity, the plenty or scarcity of which regulates its price.

The following example of a speculative transaction in bills of exchange may serve to shew to what an extent such negotiations may be carried.

# EXC

A. in London has a credit of 500 on B. in Paris, 500 on C. in Hamburgh, and 500 on D. at Cadiz. He first draws on B. and C. for 500 each, making 1000; 500 of this he keeps, and 500 remits to D. at Cadiz, on whom he then has a credit of 1000l. This makes the first part of the operation.

A. next draws at the end of the time that it becomes necessary to put B. and C. in cash for 1000 in two bills on D. and remits two of 500 each to B. and C. by which means he has the use of 500l. himself until he closes his transactions altogether. This closes the second transaction. A. then stands as he did, and may repeat it again and again as long as he pleases, having always in hand 500l. This example of a mode of raising and keeping up a capital will answer for any larger or smaller sum. Such modes are practised sometimes to a great amount; but infidelity in either of the parties, or the impossibility of getting money for the bills, would convert it into a ruinous business.

When the variation between par and the course of exchange becomes so considerable as to pay the transport of bullion with some profit, then bullion is actually sent in preference, which checks any extravagant depression for any length of time.

ARBITRATION OF EXCHANGES is a calculation, by combining the rates of exchange of two or more places, to draw therefrom that which shall be the most advantageous to remit or draw on. If bills remained always at par, or if the course of exchange was susceptible of being regulated with accuracy, there would be no such thing as an advantage to be obtained in one more than the other. The data to go upon are easily to be obtained, as the current prices are always published at short intervals. A very judicious, comprehensive, and accurate book on exchanges has lately been written by Mr. Bethune, a very respectable merchant of the city of London.

RE-EXCHANGE is when the holder of a bill finds it not paid by the acceptor, then it becomes necessary to take those steps which the circumstances of the case, the law of the land, and the usage of merchants authorize.

The holder of a bill, upon payment being refused, may lawfully take up from a banker, in the place where it is payable, the amount of the bill, and give in return  
a bill

a bill payable at sight upon the party from whom the first bill was received, or upon any other person. If he be obliged in consequence of the course of exchange, and the balance being in favour of cash, to pay a price for the money which he receives, that price is the re-exchange, which must be compensated by the preceding parties to the bill.

The bill given to the banker should be drawn upon the place from which the other was remitted. If it be drawn upon any other place, so as to enhance the price of exchange, there is no ground for claiming reimbursement beyond the sum which must have been paid upon a bill drawn in the regular course. If there be no regular intercourse between the place where the dishonoured bill is payable, and that from which it was remitted, so that no cash be obtained for a bill payable, the bill given in the course of re-exchange may be drawn upon some other place; but the interest of the person who made the remittance, and who must finally bear the expence, ought to be principally consulted in the arrangement.

When the payee of a bill indorses it over, and it is returned with the expence of re-exchange on the indorser, he is entitled to demand from the drawee the re-exchange which he has paid to the ultior holder, and also that which he incurs in taking up cash for the payment; and in like manner the indorser, drawer, and finally the acceptor, must pay the whole re-exchange incurred in returning the bill through the several stages of negotiation which it has passed. A bill for a sum which was equal to 603l. was drawn in London upon Paris, and remitted to Amsterdam. When presented at Paris, the payment there was prohibited by law, and the drawer in London was charged with the re-exchange from Paris to Amsterdam, and from Amsterdam to London. *Melish v. Simeon*, 2 H. B. 378.

In a case also, it appeared that a person discounted a bill in India for 2800 pagodas, at six guineas a pagoda; and that it was the constant course of trade, with respect to bills returned protested from India, to allow at the rate of 10s. per pagoda, and 5l. per cent. upon the amount, after 30 days notice of non-payment, which includes interest, exchange, and all other charges. This was objected to as usurious, but was allowed by the court of king's

bench as fair and reasonable. *Auril v. Thomas*, 2 T. R. 52.

By a law of Pennsylvania it was provided, that if any person there should draw or indorse any bill on Europe which should be returned protested for non-payment, the drawer and all others concerned should pay the contents, together with 20l. per cent. for damage. And it was decided by lord Hardwicke, that a person here who had authorized his creditor in Pennsylvania to draw upon him, was liable to the drawer for the money which he had paid in pursuance of this law, the same as if it had been by an express stipulation, and that it was a debt provable under a commission. *Ambler*, 672.

A law subjecting the drawer of a bill in America, which returned protested from Europe, to a heavy penalty, arose from the circumstance, that capital being very scarce in that country, it was a practice to draw upon Europe when there were no assets to pay, by which means an artificial credit of several months was obtained, during which time the use of the money enabled the drawer to pay the expences of discount, postage, protest, &c. To prevent so unfair and discreditable a practice, the 20 per cent. by way of fine was laid on; but still there are persons who continue the practice, and that with some advantages, so great is the value of ready money in America. That scarcity of capital is productive of great advantage to British manufacturers, as the importers of goods from this country can afford to sell them under prime cost, by public sale, for ready money; the use of which money, until the time of payment comes round, compensates for the first loss, and leaves sufficient profit. By this means the consumers in America, who buy with ready money, may have English manufactures very cheap, which creates a great consumption, and prevents also American merchants from importing goods from any country where long credits are not given, if they can get the same article from England. French wines even are bought of English merchants in preference to the French, on the account of the length of credit given by the former.

A striking instance of the position, that the price of exchange depends in a great degree upon the relative scarcity or abundance of money, was exhibited in Hamburg some years back. Indeed it is obvious, that

that if the money or other commodity, at a given place, is insufficient to answer the common exigencies of that place, the quantity which actually is there rises in consequence of the number of competitors who are desirous of obtaining it, to a price beyond its common average. When there is a great scarcity of cash in Hamburgh, and large sums due from thence to England, the person in Hamburgh who receives a bill drawn upon a merchant there, and dishonoured, has a right to take up the same cash which ought to have been regularly paid upon giving his bill at sight upon England. But there have been so many instances of dishonoured bills, and consequently such a want of cash, that money for that purpose had risen to a price of near 25 per cent. And therefore in order to obtain 100l. the amount which ought to be regularly paid by the drawee in Hamburgh, a bill must have been given upon England for 120l. and the person making the remittance is answerable to that extent, having his remedy over against all the antecedent parties.

EXCHANGE BROKERS. See *Brokers of Exchange*.

EXCHANGE, BILLS OF. See *Bills of Exchange*, and *Exchange*.

EXCHEQUER, *Bills of*; bills issued by government under the sanction of parliament. See *Bills of Exchequer*.

EXCISE. The excise is an inland imposition sometimes paid upon the consumption of the commodity, or frequently upon the retail sale, which is the last stage previous to the consumption. This impost was established originally in 1693; it was at first laid upon those persons and commodities where it was supposed the hardship would be least perceptible, viz. upon the makers and venders of beer, ale, cyder, and perry; but it was soon after imposed upon butchers meat, wine, tobacco, sugar, and such a number and variety of other commodities, that it might be fairly denominated general.

By the 12th of Charles II. some part of the produce of this revenue was given to the crown for the feudal tenures, and other oppressive parts of the hereditary revenue.

This impost has been imposed on abundance of other commodities, in the reigns of king William III. and every succeeding prince, to support the enormous expence of our wars.

*Administration of the Excise.* By 12 Car. II. c. 24. s. 46, and 5 W. III. c. 20. s. 16, one principal head office of excise is to be kept in London, to which all other offices in the kingdom shall be subordinate and accountable; and all the places within the bills of mortality shall be under the immediate care and management of the said head office; and so many subordinate commissioners and sub-commissioners, and other officers, shall be appointed by the king in other places as he shall think fit.

By stat. 23 G. II. c. 26. s. 12, the excise-office, in all places where it shall be appointed, shall be kept open from eight in the morning till two in the afternoon.

The commissioners or sub-commissioners shall appoint under their hands and seals such persons as they shall think needful, in each market-town, for every market-day; and such person as shall come to such market town to make his entry or payment, and tender the same accordingly, and be able to prove such tender by oath of one witness, shall not be liable to any penalty for such weekly or monthly entries, or payments, as should have been made or paid on such market day. 13 Car. II. c. 11. s. 10.

England and Wales is divided into about 50 collections, some of which are called by the names of particular counties, others by the names of great towns; where one county is divided into several collections, or where a collection comprehends the contiguous parts of several counties, every such collection is subdivided into several districts, within which there is a supervisor; and each district is again subdivided into out-rides and foot-walks, within each of which there is a gauger or surveying officer.

The commissioners or sub-commissioners in their respective circuits and divisions, shall constitute, under their hands and seals, so many gaugers as they shall find needful. 12 Car. II. c. 24. s. 33.

The laws relative to excisable commodities are as important as they are numerous and complicated; and all the publications upon this subject, however meritorious they may be in the mass of their materials, are nevertheless defective in that mode of arrangement, which is essential to elucidate the principles upon which these are founded, and to convey adequate and practical information upon a subject which

the



the number and variety of its component parts must necessarily render complex. To obviate these difficulties, the following alphabetical arrangement of excisable commodities has been attempted, wherein (except in the heads Auctioneers, Corn, Coals, and Distilleries, which, on account of their length, have been given as separate articles) the laws of excise will be given as distinctly referable to that department, referring to the general articles *Customs, Exportation, and Importation*, those particulars which are more appropriately attached to those respective heads.

#### LAW OF EXCISEABLE COMMODITIES.

**AUCTIONS.** See general head *Auctioneers*.

**BLUE MANUFACTURERS.** By stat. 26 G. III. c. 51. s. 21, makers of stone-blue are to make entries at the excise office of their warehouses, &c. on penalty of 50l.

Officers of excise may examine stone-blue, and take samples, paying for the same. S. 22.

No stone-blue to be made from materials that have not paid duty, on forfeiture thereof, and also 100l. S. 23.

Unstamped starch in possession of stone-blue makers, &c. to be forfeited, and the owner fined 20s. per lb. weight; and if more than 28lb. be found in any unentered place it shall be forfeited, and a fine of 50l. S. 24.

Persons refusing officers paying for the same samples of stone-blue, or obstructing them in the execution of their duty, shall forfeit 50l. for each offence. S. 25, 26.

**BREWERS.** By stat. 24 G. I. c. 41. s. 1, 2, 3, 7, common brewers are to take out a licence annually on penalty of 50l. if a strong beer brewer, or 10l. if a brewer of table or small beer.

By stat. 8 and 9 W. II. c. 19. s. 8, brewers are not to erect, alter, or enlarge any turn, back, cooler, or copper without notice, nor keep any utensil concealed, on penalty of 200l.

By stat. 5 G. III. c. 43. s. 25, are not to alter the position of any turn, cooler, &c. after being fixed, without notice to the officer, nor place any board or other material in or upon the dripping place, nor otherwise hinder or oppose officers from taking a true gauge, on penalty of 20l.

By 15 Car. II. c. 11. s. 7, brewers may appoint one able artist, and the commissioners another, to ascer-

tain, on oath, the gauge and contents of brewing utensils.

By 15 Car. II. c. 11. s. 1 and 12, and 1 W. and M. c. 24. s. 11, brewers or others conveying away or concealing beer or worts before gauged, incur a penalty of 20s. per barrel; and such worts found in concealed utensils are forfeited, and to be sold to the poor.

By stat. 1 W. and M. c. 24. s. 16, brewers are chargeable with duty for worts missing.

By stat. 7 and 8 W. III. c. 30. s. 21, brewers are not to cleanse or remove any part of a guile till the whole is brewed off, and the officer shall have had an opportunity of taking a distinct account, unless in consequence of previous notice to the officer, on penalty of 40s. each barrel.

By stat. 8 and 9 W. III. c. 19. s. 2, and 5 G. III. c. 43. s. 24, the brewer is before cleansing, and on demand, to declare to the officers how much of each guile he intends for strong, and how much for small beer, on pain of having the whole charged as strong, and the penalty of 20s. per barrel.

Increasing a guile after declaration, or laying off any part above the quantity declared, subjects the brewer to the penalty of 5l. per barrel, and servants assisting to 20s. each barrel, or three months imprisonment.

By stat. 8 and 9 W. III. c. 19. s. 2, brewers may add strong beer of an old guile, which may be left, to strong beer of a new guile in the presence of the officer.

Brewers, on proving by the oath of any credible witness that any guile was increased in the presence of the officer with beer of a former brewing, are acquitted of the penalty: but adding to a new guile any beer remaining in the brew-house, which shall appear to the officer to have been mixed with small beer or returned drink, are to be charged for such added beer as for new drink.

By stat. 15 Car. II. c. 11. s. 12, and 1 W. and M. c. 24. s. 11, mixing small beer with strong, after the account of quality and quantity shall be taken by the officer, and selling or delivering out the same without notice, penalty 20s. per barrel.

By stat. 7 and 8 W. III. c. 30. s. 23, mixing small beer with strong on the draught, or in victualling cellars, penalty 5l.

By stat. 22 G. III. c. 68. s. 3, 4, brewers are not allowed to brew table beer but at one entire guile. In cities or market towns, are to give four hours notice in writing, and in other places twelve hours, before beginning to brew table beer, on penalty of 5*l*.

After beginning to brew table beer, are to proceed till the whole guile is finished, on penalty of 5*l*. S. 4.

The worts of each guile of table beer are to be mixed so that the whole may be of the same quality; and on demand, before cleansing, are to declare to the officer the quantity and quality of such beer, on pain of having the whole guile charged as strong beer, and on the penalty of 20*s*. per barrel. S. 5.

By stat. 22 G. III. c. 69, for increasing any guile of table beer after declaration, unless by adding table beer of a former guile left in the brew-house, and in sight of the officer, or laying off any part above the quantity declared, penalty 5*l*. per barrel, and servants assisting 20*s*. per barrel, or three months imprisonment.

For mixing table beer with strong beer or worts, or small beer or worts, or with water after being gauged, penalty 5*l*. S. 6.

Table beer to be kept in casks separate from other beer in casks, on penalty of 20*l*. S. 8.

Brewers knowingly selling table beer to, or for the use of any other common brewer, brewing victualler, or exporter of beer, incur a penalty of 20*l*. S. 9.

By stat. 15 Car. II. c. 11, brewers in any city or town are not to carry out beer before giving notice to the officer, except between three o'clock in the morning and nine o'clock in the evening in summer, and five o'clock in the morning and seven o'clock in the evening in winter.

By stat. 8 and 9 W. III. c. 19. s. 9, not to deliver wash-tilts, &c. to any distiller or vinegar maker without notice to the officer, on penalty of 20*s*. per barrel.

By stat. 1 W. and M. c. 24. s. 7, an allowance of one-tenth is to be made for worts gauged while warm.

By stat. 12 Car. II. c. 23. s. 32, and c. 24. s. 36, 1 W. and M. c. 24. s. 5, and 22, 23 Car. II. c. 5. s. 3, brewers in London, not being retailers, are to be allowed three barrels in twenty-three of beer, and two

in twenty-two of ale, as a full compensation for waste, loss, or damage.

By stat. 1 W. and M. c. 24, brewers in the country are to be allowed two barrels and a half in twenty-three as a compensation for waste.

By stat. 25 G. III. c. 73. s. 1, and 32 G. III. c. 8. s. 1, brewers selling beer, ale, or worts in any other quantity, at one time, than the whole cask, containing four gallons and a half, forfeit all allowance for waste, &c. and incur a penalty of 5*l*.

By stat. 15 Car. II. c. 11. s. 14, brewers are not to brew for, or lend their brew-houses to other brewers, without notice, and paying the duty, on penalty of 5*l*.

By stat. 1 W. and M. c. 24, and 5 and 6 W. and M. c. 20. s. 49, brewers are entitled to true copies of the officer's last gauges at the time of taking the same.

By stat. 15 Car. II. c. 1, brewers are also entitled to true copies of the officer's weekly return.

By stat. 7 and 8 W. III. c. 30, and 12 G. I. c. 28, they are entitled to true copies of the officer's charges within three days after the end of the week, if demanded in writing.

By stat. 1 W. and M. c. 24. s. 13, brewers may lay complaints of overcharges before either commissioners or justices.

By stat. 20 G. III. c. 35, brewers are entitled to allowances out of the duties on malt imposed by 20 G. III. c. 35, in four months after the duties on beer shall have been paid.

By stat. 22 G. III. c. 68. s. 2, are not to be entitled to any of the allowances out of the duties on malt for table beer.

By stat. 2 G. III. c. 14. s. 1, are to be prosecuted for advancing the price of strong beer in an unreasonable degree.

By stat. 15 Car. II. s. 20, beer brewed for vinegar is to be charged with vinegar duties.

By 12 Car. II. c. 23. s. 25, and c. 24. s. 39, beer may be retailed at fairs by any person, the duty being first paid.

By stat. 15 Car. II. c. 11. s. 21, beer brewed by colleges and halls for their own members, and who brewed before the commencement of the excise, is not to be chargeable with duties.

By stat. 22 and 23 Car. II. c. 5. s. 11, retailers are

not to mix small and strong beer in vessels of three gallons or upwards, on penalty of double duty.

By stat. 12 Car. II. c. 23 and 24, brewers are to make true entry at the excise office of beer brewed, &c. on penalty of 10l. and also forfeit their allowance for six months.

By stat. 15 Car. II. c. 11, erroneous entries may be corrected within one week after having received a copy of the officer's returns. But by stat. 1 W. and M. c. 24, they are not allowed to exonerate themselves by amending their entries, if there shall have been any apparent fraud.

By stat. 12 Car. II. c. 23, brewers may make entries and pay the duties at the next market town.

By stat. 12 Car. II. c. 23, 24, they are to pay the duties within a week after such entries are or ought to have been made, on penalty of double duty.

By stat. 15 Car. II. c. 11, and 28 G. III. c. 37, brewers' vessels and utensils, wherever found, or however claimed, are chargeable with duties and penalties.

By stat. 15 Car. II. c. 11, brewers or others bribing officers to make false returns or reports in any manner, or to omit their duty, are to forfeit 10l. or suffer three months imprisonment, on proof by two witnesses.

By stat. 42 G. III. c. 38, all beer or ale above the price of 16s. the barrel, shall be denominated, deemed, and taken as strong beer or ale; and all beer of the price of 16s. or under, exclusive of the duty payable for or in respect thereof, shall be denominated table-beer within the meaning of this act; and all other acts of parliament now or hereafter to be in force, and all regulations relating to beer or ale, or to the mixture thereof, shall be put in execution as far as the same are applicable, and not altered or repealed by this act, as fully and amply in every respect as if the said rules, regulations, &c. were severally and respectively re-enacted in this act. S. 7.

As soon as any table beer shall be cleansed or put into any cask, the brewer of such table beer shall immediately mark every cask with the capital Roman letter T, of the length of four inches, such mark to remain and continue visible and distinct, until the same shall be delivered to the person to whom the

same is delivered, on forfeiture of 50l. for every such cask. S. 9.

Such table beer, when cleaned or put into casks, shall be kept in a separate place, under penalty of 50l.

No table beer shall be put into any other vessel exceeding the contents or size of a butt or pipe of three barrels, on pain of forfeiture for every such offence 100l.; but common brewers are not prevented, upon giving twenty-four hours notice in writing to the proper officer of excise, from putting into any other larger vessel a sufficient quantity of table beer, not exceeding two barrels for every 100 barrels of its full contents, to preserve such vessel in a proper state and condition for receiving or storing strong beer; and provided also that no strong beer shall be put, cleansed, or tunned into any such large vessel, until drawn, pumped, or taken out of the same in the presence of, or to the satisfaction of the proper officer of excise.

If any common brewer shall mix any strong beer or strong worts with any other worts, or with water, after the declaration of the quantity of such guile or beer of which the same was a part, or shall mix any strong beer or strong worts with any table beer or table beer worts, or with water, in any vat or other vessel, not being a known and entered guile or tun, he shall, for every such offence, forfeit 200l.

Any common brewer selling table beer at a higher price than 16s. the barrel (exclusive of the duties) under any pretence whatsoever, shall for every such offence forfeit 100l.

Common brewers complaining of any overcharge by an officer of excise, in respect of any table beer charged and returned as strong beer, must make proof on oath of one or more credible witnesses, that the whole and entire quantity of the table beer brewed in the guile, or brewing, to which the complaint or overcharge has reference, or at least the greater part of such beer, was *bona fide* sold at a price not exceeding 16s. per barrel, exclusive of the duty; and the names and residences of the several persons to whom the said beer, or such greater part thereof was really sold and delivered, with the respective days when delivered, must be declared on oath of such witness. S. 14.

No common brewer shall let any pipe or other conveyance

conveyed from any copper in the brew-house, except the regular discharge-pipes leading directly to the mash-tub, hop-back, or coolers respectively, nor any fixed pipe or conveyance leading from any underback, hop-back or cooler, except such as, without any private or concealed stop-cocks therein, shall have a direct and immediate communication with the known and entered copper, backs, coolers, or working or fermenting tuns only, on pain of forfeiture for every such fixed or other pipe, &c. 20*l*.

Any brewer who shall lay off any beer or worts contrary to 8 and 9 W. III. c. 9, shall forfeit 10*l*.

Every dealer in table beer who shall dispose of any such beer exceeding the quantity of one gallon at one time, must make entry in writing at the nearest office of excise of all storehouses, rooms, cellars, or other places for storing, keeping, laying, or selling such beer, and will be subject to all the regulations of excise to which victuallers or retailers of beer or ale are now subject by the laws of excise; and any person selling table beer exceeding a gallon, without making entry as aforesaid, incurs a penalty of 5*l*. S. 17.

No person, not being a common brewer, shall be allowed to retail beer at a higher price than 1½*d*. the quart, ale-house measure, without first entering a recognizance, and obtaining a licence as a common ale-house keeper, on penalty of 50*l*. over and above all other penalties.

No entered dealer in beer being an exporter of ale or beer, shall keep table beer in any cellar or place entered for keeping strong beer, on penalty of 5*l*.

No person shall mix, compound, fabricate, manufacture, or prepare from beer grounds, stale beer, sugar water, distillers spent wash, sugar, mellasses, vitriol, quassia, coculus Indiar, grains of Paradise, Guinea pepper, opium, or any other material or ingredient whatsoever (except malt and hops), any liquor to imitate or resemble, or to be mixed with or used as beer or ale, brewed or made from malt and hops; nor shall sell, dispose of, send, or deliver, or cause to be sold, disposed of, sent, or delivered to any brewer or brewers of, or dealer or dealers in, or seller or sellers, or retailer or retailers of beer or ale, or to any other person or persons whatsoever, any such liquor so mixed, compounded, &c. on penalty of 20*l*.; and all such li-

quor so mixed, compounded, &c. and also all the beer grounds, stale beer, sugar water, distillers spent wash, sugar, mellasses, vitriol, quassia, coculus Indiar, grains of Paradise, Guinea pepper, opium, and every other material or ingredient whatsoever, as aforesaid (other than malt and hops), in the custody or possession of such person or persons, together with every copper, cooler, back, tun, vat, or other vessel or utensil whatsoever, in which any such liquor, material, or ingredient shall be contained, or which shall have been made use of or employed for or in the mixing, compounding, fabricating, manufacturing, preparing, or keeping any such liquor; and all such liquor, materials, and ingredients, together with every such copper, cooler, back, tun, vat, or other vessel or utensil as aforesaid, shall be forfeited, and may be seized by any officer or officers of excise. S. 20.

No brewer or seller of beer or ale shall receive or take into his custody any stale beer or beer grounds, or mix with any beer or ale any liquor compounded, fabricated or prepared from beer grounds, stale beer, sugar water, distillers spent wash, sugar, mellasses, vitriol, quassia, coculus Indiar, grains of Paradise, Guinea pepper, opium, or any other material or ingredient (except malt and hops), or in the fabrication, manufacture, or preparation whereof any beer grounds, stale beer, sugar water, distillers spent wash, sugar, mellasses, vitriol, quassia, coculus Indiar, grains of Paradise, Guinea pepper, opium, or any material or ingredient (other than malt and hops), is or shall be mixed, employed, or made use of, nor shall have, receive, or take into his, her, or their custody or possession, any liquor so compounded, &c. on penalty of 100*l*. S. 21.

But no brewer shall be liable to the last-mentioned penalty for receiving stale beer or beer grounds returned by customers, nor any dealer, not being a brewer, for having in his custody any liquor made of other materials than malt and hops, if he prove that it was bought in open trade, and that he had no knowledge of its being compounded contrary to this act. S. 22.

Excise officers may take samples of any liquor they suspect to be liquor mixed, compounded, or prepared from any such materials or ingredients as aforesaid (other than malt and hops), such samples not exceeding three gallons at any one time, on paying after the



the rate of eighteen-pence per gallon for the same, if demanded.

Officers of excise suspecting any person do mix or compound any such unlawful ingredients, to be sent or lodged in any place whatsoever, upon oath made by such officers, setting forth the ground of suspicion, any two or more commissioners, or one or more justices, by warrant under their hands and seals, may authorize such officers by day (or by night with a constable) to enter into all suspected places, and to seize and carry away as forfeited all such liquor, materials, or ingredients whatsoever (other than malt and hops); and also all and every copper, cooler, beck, tun, vat, and other vessel and utensil whatsoever, which they shall then and there find, in which any such liquor, material or ingredient shall be contained, or which shall have been made use of in the mixing, &c.; and the person or persons in whose custody or possession the same respectively shall be found, shall forfeit 100*l*.

On every question respecting such liquors, the proof shall lie upon the owner or claimer thereof.

**BRITISH SPIRITS.** See general head *Distillers and Spirituous Liquors*.

**BRICKS AND TILES.** By stat. 24 G. III. c. 24. s. 4, brick and tile-makers, before they begin, are to give notice in writing at the next office of excise of their names and places of abode; likewise the sheds, warehouses, or places where such bricks or tiles are to be prepared or made, on penalty of 100*l*.

Officers at all times to enter and take accounts thereof, on penalty of 50*l*. S. 11, 14.

Officers to enter and take account of bricks and tiles while drying in the shed, and before being removed into the kiln, in which state of drying they are to be charged. Penalty for obstructing officers 50*l*. S. 15.

By stat. 25 G. III. c. 66. s. 4, bricks and tiles while drying to be placed in the field or shed in a regular form, that the officers may easily take account thereof, on penalty of 50*l*.

Removing bricks or tiles from the field or shed where the same are placed to dry to the kiln or clamp, before charged by the proper officer, penalty of 50*l*.; and such bricks and tiles so removed to be forfeited. S. 2.

By stat. 24 G. III. c. 24. s. 10, fraudulently concealing bricks or tiles while under operation, penalty 20*l*. and the articles concealed to be forfeited.

By stat. 24 G. III. c. 24. s. 19, and 25 G. III. c. 66. s. 3, makers are to keep bricks and tiles which have not been surveyed and charged separate from all others, on penalty of 50*l*.

By stat. 25 G. III. c. 24. s. 14, for obstructing officers in the execution of their duty, penalty 50*l*. Makers are to be allowed 10*l* in every hundred for such as shall be charged in the field or shed before burnt, at a compensation for all loss or damage whatever, and are entitled, on demand, to copies of the officer's returns. S. 6, 11.

Makers, or their chief workmen, are to make entries in writing, and upon oath, every six weeks, specifying the quantities and sorts, and also names and places of abode of the owner thereof, if they do not belong to such makers, on penalty of 50*l*. but are not obliged to go further than the next market town to make entry. Duties to be paid within six weeks after they have or ought to have made such entries, on penalty of double duty. S. 13.

By stat. 24 G. III. c. 24. s. 15, and 28 G. III. c. 37. s. 21, materials and implements in the hands of makers or other persons in trust are chargeable with duties and penalties.

By stat. 23 G. III. c. 74. s. 11, 12, bricks and tiles, for which all duties have been paid, exported to foreign parts from lawful quays, and in lawful hours, under the prescribed rules and regulations, are entitled to a drawback of the duty.

Before being shipped for exportation, the exporters are to give the officer six hours notice of the time and place, in order that he may attend such shipping. S. 13.

Before being shipped, the exporters are to give security for due exportation thereof in treble the amount of the duty to be drawn back, and by themselves, clerks, or managers, are to make oath they believe the duties have been lawfully paid; and if unshipped, landed, or put into any other ship or vessel in Great Britain (unless through unavoidable accident) after being shipped, and security given or tendered for the due exportation, are forfeited over and above the penalty of the bond. S. 13.

By

By stat. 41 G. III. c. 91. s. 2, persons making any bricks in Great Britain, which, before removed to the kiln or clamp for burning, shall be found to be more than ten inches in length, three inches in thickness, and five inches in width, the maker of such bricks shall pay an additional duty of 5s. for every thousand of such bricks.

CALICOES, LINENS, &c. By stat. 24 G. III. c. 41. s. 1, 6, 7, painters, stainers, and dyers thereof are to take out a licence annually, on penalty of 50l.

By stat. 10 Anne, c. 10. s. 17, and 25 G. III. c. 72, s. 7, 24, calicoes dyed throughout are not liable to duty; and printers, painters, &c. not to make use of any warehouse, drying place, &c. without first giving notice thereof, and of their names and places of abode, in writing, at the next office of excise, on penalty of 50l.

By stat. 1 G. I. c. 36. s. 21, painters, printers, &c. exercising their business, except at their usual residence or places of trade, are to make entry thereof, and pay the duty before they begin, on penalty of 50l. and forfeiture of the goods.

By stat. 10 Anne, c. 10. s. 82, and 25 G. III. c. 72. s. 17, 24, no linens, calicoes, &c. stamped or unstamped, to be kept in any warehouses, rooms, or places, of which no notice has been given, on penalty of 50l. and forfeiture of the goods.

By stat. 10 Anne, c. 19. s. 75, 77, 78, excise officers, by day, or by night with a constable, may enter and take account of goods, on penalty of 50l. upon parties obstructing them.

By stat. 14 G. III. c. 72. s. 2, 6, stuffs wholly made of cotton spun in Great Britain, and printed, painted, or stained, may be worn and used, but these are to have three blue threads, at equal distances, wove in the warp of each piece when printed, &c. and to be stamped by the excise officers with the words *British manufactory*. S. 3.

By stat. 25 G. III. c. 79. s. 19, not having three blue threads in each selvage are to be deemed foreign, and on being printed, painted, &c. to be stamped at each end with the words "foreign calico for exportation." Drapers or other vendors, having foreign calicoes in their custody not so stamped, forfeit the same, and 100l. penalty.

By stat. 25 G. III. c. 72. s. 19, 45, persons having

in their custody calicoes wholly made of cotton spun in Great Britain, printed, painted, &c. or offering the same to sale, not having three blue stripes wove in the warp or selvage (except muslins, neckcloths, velvets or fustians), or for exportation, forfeit such goods, and 50l. penalty.

By stat. 14 G. III. c. 72. s. 9, linen or cotton goods imported, with three blue stripes wove in the selvage, are forfeited, and persons importing the same incur a penalty of 10l. for each piece.

In case of dispute whether such goods are of British manufacture, proof thereof to lie on the owner. S. 14.

By stat. 25 G. III. c. 72. s. 17, 24, if intended to be printed, painted, &c. framers are to denote the measure, to be divided and distributed by the commissioners of excise.

Goods sent by the owner to be printed, painted, &c. must be accompanied with a note, expressing the number of pieces, quality, value, and time when sent, which note must be delivered to the officer, who is to take account of the goods. S. 21, 24.

Before presented to the officer, or before printed, painted, &c. are to be marked at both ends of each piece or remnant with a frame mark, containing the owner's name and place of abode, and name, quality, and price of the goods, on forfeiture thereof, and 20s. penalty.

Foreign muslins, before presented to the officer, must be marked at both ends of each piece or remnant with a frame mark, containing the owner's or printer's name and place of abode, and the name of the goods, on forfeiture thereof, and 10l. penalty for every piece printed, &c. without such mark. S. 20. And beginning to print, paint, &c. any calicoes, linens, &c. before such frames are marked as above, forfeit 20l. for every piece. S. 9, 24.

Printers, painters, &c. unavoidably oblitterating or defacing such frame mark, are to denote the measurement, and give notice thereof to the officer, who is thereupon to renew the mark. S. 22.

Willfully cutting out, oblitterating, or defacing the frame mark, penalty 50l. every piece. S. 11, 24.

Counterfeiting or forging the frame mark, penalty 100l. S. 23.

Goods, of which an account has been taken, to be kept

kept separate from those of which no account has been taken, on forfeiture of 5*l.* S. 24.

By stat. 10 Anne, c. 19. s. 82, and 25 G. III. c. 72. s. 13, 24, printers and painters fraudulently concealing goods after printed, &c. forfeit 5*l.* and all the goods found in any private place of which notice has been given.

By stat. 10 Anne, c. 19. s. 77, 79, printers, painters, &c. removing or sending away goods before any account taken by the officer, and the duty stamp put thereon, penalty 2*l.*; and the goods wherever found, not giving satisfactory account of goods missing, to be charged with duties for the same.

By stat. 14 G. III. c. 72. s. 8, and 25 G. III. c. 72. s. 17, 24, stamps to denote the payment of the duty thereon are to be provided and distributed, and may be altered by the commissioners of excise. Impression to be durable, and such as is least liable to be forged.

By stat. 19 Anne, c. 19. s. 97, and 25 G. III. c. 72. s. 17, 24, goods printed, painted, &c. to be legally stamped by the officer as soon as the duty is secured; officers stamping the same with the duty stamp, to do as little damage as may be.

Persons counterfeiting or forging the stamp provided to denote the payment of the duty, are guilty of felony without benefit of clergy.

Selling with counterfeit stamps knowingly, penalty 1*00l.* and to stand in the pillory.

By stat. 14 G. III. c. 73. s. 10, selling cotton stuffs of British manufacture printed or painted, with counterfeit stamps (knowingly), felony without benefit of clergy.

By stat. 25 G. III. c. 72. s. 10, 24, sending away linen calicoes before account taken by the officers, and the duty stamp put on both ends of each piece or remnant, 5*l.* and forfeiture of the goods wherever found.

By stat. 10 Anne, c. 19. s. 99, such goods printed, painted, &c. within one-eighth of a yard wide, under or over, to pay as yard wide.

By stat. 7 G. III. c. 47. s. 6, printers, painters, &c. liable to duty for ribbands and silks in the proportion they are made, though less than half a yard wide.

By stat. 10 Anne, c. 19. s. 75, painters, printers, &c. entitled, on demand, to a copy of the officer's returns.

Printers, painters, &c. or their chief workmen, must make entries in writing, and on oath, every six weeks; entries to contain the kinds and quantities, and also the names and abodes of the owners of such goods if they belong to others; on neglect, 5*l.* penalty. S. 72.

Persons are not obliged to go further than the next market town to make entries. S. 73.

The whole duty to be paid within six weeks after entry, on penalty of double duty. S. 74.

By stat. 25 G. III. c. 72. s. 15, and 28 G. III. c. 37. s. 21, utensils and instruments for printing, &c. in custody of any printers, &c. for their use, are chargeable for duties and penalties.

By stat. 14 G. III. c. 72. s. 1, and 25 G. III. c. 73. s. 18, 24, goods printed, painted, &c. on oath of suspicion that such are in the custody of drapers or others for sale without the duty stamps, two commissioners in London, or two justices in the country, may grant their warrant to search for and seize the same in the day time, and in the presence of constables.

By stat. 5 G. I. c. 11. s. 15, and 27 G. III. c. 31. s. 16, goods painted, printed, &c. found without the duty stamp (except on board ship) for exportation, are forfeited, and the persons in whose custody the same are found forfeit 1*00l.*

By stat. 10 Anne, c. 16. s. 97, and 25 G. III. c. 72. s. 14, 20, goods printed, painted, &c. found in the custody of drapers, traders, or others, for the printer's use, without the stamp, are forfeited.

CANDLES. By stat. 25 Geo. III. c. 74. s. 25, makers thereof, within the limits of the head-office of excise, are to occupy a tenement of 1*0l.* per annum, and pay parish rates; in the country are to pay to church and poor, otherwise their entries are to be void.

By stat. 24 G. III. c. 41, makers of tallow or other material, except wax or spermaceti, for sale, cannot by virtue of one licence carry on business in any other house or place than those in which the same was carried on at the time the licence was taken out. S. 8.

Makers, whether of tallow or other material (except wax or spermaceti) for sale, being partners and carrying on business in one house, one licence is sufficient. *Ibid.*

Makers, whether of tallow or other materials (except

cept wax or spermaceti) for sale, are to take out and pay duty for licences annually, on penalty of 20*l*. S. 1, 6, 7.

By stat. 24 G. III. c. 36, makers of wax or spermaceti are to take out and pay duty for licences annually, on penalty of 20*l*. S. 9, 11, 12.

Makers of wax or spermaceti, having licences to make, are not required to take out licences to sell. S. 13.

Sellers only of wax or spermaceti are to take out and pay duty for licences to sell, on penalty of 20*l*. S. 9, 11, 12, 14.

Makers or sellers of wax or spermaceti may by virtue of one licence carry on trade in the houses or places only where they dwell when such licences were taken out. S. 12.

By stat. 8 Anne, c. 9. s. 6, and 11 G. I. c. 30. s. 23, makers are not to erect, alter, or enlarge any work-house, room, shop, or other place for making or keeping candles of wax, tallow, or other materials, nor use any copper, mould, or other utensil, without entry in writing at the office of excise, on penalty of 100*l*.

By stat. 8 Anne, c. 9. s. 17, wax, tallow, or other materials found in any private warehouse, or private coppers, or other utensils, of which no entry has been made or notice given, are forfeited.

By stat. 27 G. III. c. 31. s. 18, makers are not to withdraw their entries whilst any duty is depending, or any copper or other utensil standing.

By stat. 11 G. I. c. 30. s. 25, goods in an unentered place, made or making, or tallow melting or melted, cottons or rushes spread, or utensils warm with tallow, &c. are evidence to convict.

By stat. 24 G. III. c. 11. s. 7, 8, officers are to be permitted by day or night to enter and take account, on penalty of 100*l*.

By stat. 27 G. III. c. 31. s. 20, makers are not obliged to admit officers between the hours of eleven and five o'clock in the night without a constable, unless where candles are in operation or unfinished, or notice given, or preparation for making.

By stat. 8 Anne, c. 9. s. 12, 13, makers are to permit officers to take account of wax, tallow, or other materials, either by gauging, weighing, or otherwise; penalty for obstructing them 20*l*.

Makers not giving satisfactory accounts of wax, tallow, &c. melting, chargeable in the proportion of 1*lb*. of candles for 112*lb*. of materials. S. 12.

By stat. 27 G. III. c. 31, makers are to provide and affix, at their own expense, sufficient fastenings to their furnaces, coppers, &c. for melting, and covers and fastenings to the dipping mould, and also proper places or chests with fastenings for securing the drawing mould, and to permit the officer to lock, seal, and secure the same as soon as the respective operations are finished. Refusing to pay for, or to permit officers to secure such fastenings, penalty 100*l*. S. 21.

Makers desirous of lighting a fire under any copper, or dipping moulds, or of having any utensil opened, must give six hours notice in writing in London, and twelve hours in other market towns, and twenty-four hours in other parts. *Ibid*.

Makers opening any furnace, copper, utensil, dipping-mould, or door, after locked and secured, or wilfully breaking or damaging the lock, penalty 100*l*. *Ibid*.

Makers having in their custody any drawing-mould not locked and secured, unless after notice for using the same, penalty 100*l*. S. 22.

By stat. 25 G. III. c. 74. s. 29, 30, makers, before they begin to work, are to give officers within the limits of the chief office six hours notice in writing, in city or town out of the limits twelve hours, and in other places twenty-four hours, of the time of beginning to spread cottons, wicks, or rushes, and also of the time of beginning to run in the same, on penalty of 50*l*.

By stat. 27 G. III. c. 31. s. 21, makers are to light fires, or use their moulds, within one hour after they are unlocked; neglecting so to do, officers may lock, &c. and notice to be void.

By stat. 11 G. I. c. 30. s. 27, makers, before they begin to work upon dip candles, are to give the officers declarations in writing of the time of beginning, together with the number of sticks, size, and number of candles on each, and are not afterwards to increase either, on penalty of 50*l*.

By stat. 26 G. III. c. 77. s. 6, 7, makers beginning to spread cotton wicks or rushes pursuant to notice (except for mould candles), are to proceed without delay



delay till finished, and begin to dip within five hours after they have begun to spread, and continue without interruption till the making is finished, on penalty of 50*l*.

By stat. 24 G. III. c. 11. s. 9, makers, before they begin to work on mould candles, are to give officer declarations in writing of the time of beginning, the number and size of the moulds, and the number of times they intend to fill and draw; and are not to use more or larger moulds, nor fill or draw oftener, on penalty of 50*l*.

By stat. 11 G. I. c. 30. s. 28, lighting fires under coppers, &c. or having tallow melting in any utensil for dipping candles, or cottons or rushes spread or spreading, are deemed to have made a beginning.

By stat. 10 Anne, c. 26, s. 106, candles not to be increased in weight by re-dipping or otherwise, after weighed by the officers, on penalty of 10*l*.

By stat. 8 Anne, c. 9. s. 15, candles of which an account has been taken to be kept separate from candles of which no account has been taken, on penalty of 5*l*.

By stat. 11 G. I. c. 30. s. 30, mixing candles that have not been weighed by the officers with candles that have been weighed, penalty 100*l*.

Or fraudulently removing candles before weighed, or concealing candles or materials, penalty 100*l*.

By stat. 8 Anne, c. 9, makers removing or sending away candles before accounts taken by the officer, without twenty-four hours notice in London, and two days notice in the country, penalty 20*l*. S. 14.

Or fraudulently concealing candles or materials, penalty 20*l*. S. 16.

Candles cracked or spoiled in making, and unfit for sale, being shewn to officers, they are to deface them, and allow the duty. S. 29.

Makers are entitled on demand to a copy of the officer's return. S. 10.

Makers or chief workmen to make entries in writing and on oath, monthly in London, and every six weeks in the country, of all the candles made, specifying the weight, number, size, and quantity of each course, on penalty of 20*l*. S. 7.

By stat. 25 G. III. c. 74. s. 26, 27, makers are likewise to make entry in writing and on oath, weekly, in London and country, of all the candles made,

specifying the weight, number, size, and quantity of each course, on forfeiture of 20*l*.

By stat. 8 Anne, c. 9. s. 8, makers are not obliged to go further than the next market town to make entries.

By stat. 11 G. I. c. 30. s. 29, makers having in their custody candles not mentioned in their entries, and of which the officers have had no account, are chargeable with duty for the same, unless it be proved that they were before charged, or bought of another chandler, and notice of such buying previously given to the officer.

By stat. 25 G. III. c. 74. s. 28, makers are, both in London and in the country, to pay the duty within one week after they have or ought to have made entry, on penalty of double duty.

By stat. 28 G. III. c. 37. s. 21, materials and utensils in the hands of chandlers or other persons in trust, are chargeable with duties and penalties.

By 5 G. III. c. 43. s. 20, candles suspected to be privately making, or fraudulently lodged or concealed, may by day (or night, with a constable) be searched for under an authority of a warrant from one commissioner or one justice; if any be found, they are to be seized, and subject the party to the penalty of 100*l* unless it shall be made appear that the duty has been paid.

By stat. 23 G. II. c. 21. s. 34, candles suspected to be fraudulently concealed in entered or unentered places, may by day (or night, with a constable) be searched for and seized under the authority of a warrant of two commissioners in London, or one justice in the country; for obstructing officers, penalty 100*l*.

By stat. 25 G. III. c. 74. s. 31, persons found assisting in privately making candles may be arrested by any officer of excise, and carried before one justice, who on oath of one witness, or on confession, may convict the parties in the penalty of 20*l*. and in default of payment commit them for two months; second offence 4*l*. or four months imprisonment.

By stat. 26 G. III. c. 77. s. 10, 11, persons knowingly receiving, buying, or having candles in custody after being removed from the place where made before the duty has been charged (except condemned)

subjects the goods to forfeiture, and the party to treble value.

By stat. 11 G. I. c. 30. s. 26, summonses directed to persons clandestinely making, by their real or assumed name, and left at the places where discovery is made, is sufficient.

By stat. 23 G. II. c. 21. s. 30, 35, on trials of information for the seizure of candles, the proof of payment of duty lies on the claimer.

In cases of seizure thereof, appeal may be made from the judgment of the commissioners to the commissioners of appeal, and from that of justices to the quarter sessions, whose judgment shall be final. S. 37.

By stat. 24 G. III. c. 36. s. 7, wax candles seized and condemned for non-payment of the duties, are to be broken and rendered unfit for use.

By stat. 8 Anne, c. 9. s. 18, candles are not to be exposed for sale except in public shops or warehouses, or in fairs or markets, on penalty of 5l.

No fat or oil, except fish oil, is to be burnt in any lamp in any dwelling-house, on penalty of 4cs. *Ibid.*

By stat. 8 and 9 Anne, c. 9. s. 31. c. 6. s. 15. and 24 G. III. c. 11. s. 5, small rush-lights, only once drawn through grease, and not tallow, and made by persons to be used in their own houses, are not chargeable with duty.

By stat. 24 G. III. c. 11. s. 8, makers of candles obstructing officers in the execution of their duty, penalty 100l.

By stat. 23 G. II. c. 21. s. 29, candles carried coastwise without a regular cocket are forfeited, and may be seized by officers of excise.

CAMBRICS AND LAWNS. By stat. 4 G. III. c. 37. s. 16, any such in England, and so made may be sold and worn.

By stat. 4 G. III. c. 37. s. 19. 7 G. III. c. 43. s. 12. and 4 G. III. c. 37. s. 17, fabricators thereof must give notice of the finishing every piece, that the officer may attend to stamp the same at each end before taken out of the loom, on forfeiture of 5l. and the goods.

By stat. 7 G. III. c. 43. s. 13, goods must be duly marked by the officer having regular notice; such officer must also number every piece, and make an

entry of the particulars thereof in a book to be provided by the master, on penalty of 5l.

By stat. 4 G. III. c. 37. s. 21. 24. and 7 G. III. c. 43. s. 17, officers marking such after being taken out of the loom, or not of English manufacture, penalty 50l. and incapacity; such as are English manufacture found without the stamp, forfeited, also penalty 200l.

By stat. 4 G. III. c. 37. s. 26. and 7 G. III. c. 43. s. 18, forging or counterfeiting stamps for marking the same, or the impression thereof, or importing foreign cambrics with counterfeit stamps, or selling cambrics with counterfeit stamps (knowingly), felony without benefit of clergy.

By stat. 4 G. III. c. 37. s. 22. and 7 G. III. c. 43. s. 15, prevailing on officers by bribery by bribery to mark such as are not made in England, or after cut out of the loom, penalty 100l. and pillory two hours.

By 7 G. III. c. 43. s. 16, annual accounts thereof to be transmitted by officers to the commissioners in the month of June, on pain of being dismissed.

All penalties and forfeitures incurred under the act relating thereto to be sued for in the courts at Westminster. S. 21.

By stat. 4 G. III. c. 37. s. 30, actions for recovery of pecuniary penalties under the laws relating to these articles, are to be laid in the proper courts, and commenced within twelve months.

By 7 G. III. c. 43. s. 22, on information for penalty a capias may issue in the first process; defendants are to give bonds for their appearance, and securities to answer the penalties, or suffer imprisonment.

If, on trial of actions for the seizure thereof, questions shall arise, where such goods were manufactured, proof to lie on the claimers. S. 24.

By stat. 4 G. III. c. 37. s. 25, goods seized and condemned under the act 4 G. III. c. 37, to be sold and delivered upon bond for exportation only.

By stat. 7 G. III. c. 43. s. 16, stamps for making cambrics and lawns to be delivered up by the officer, or his executor, on the order of the commissioners, on penalty of 200l.

Officers to be paid for the stamping them, by the manufacturer, at the discretion of the commissioners. S. 11.

By stat. 37 G. III. c. 72. s. 1, cambrics or French lawn prohibited to be used or worn within this kingdom, viz. from and after August 1, 1797, in case any French cambric or lawn shall be found (except in legal warehouses for exportation) in any shops, warehouses, or other places whatsoever, upon land within this kingdom, the same is forfeited, and may be seized by officers of customs, and the persons in whose possession they are found may be prosecuted, and penalties recovered, in the same manner and by the same rules, &c. as if they had been clandestinely imported and run into this kingdom.

French and cambric lawn being seized, are to be sold for exportation only. S. 6.

Commissioners of the customs may cause cambric and French lawn seized at other ports to be sold in London.

COACH-MAKERS. By stat. 25 Geo. III. c. 49. s. 3, coach-makers are to take out licences annually, on penalty of 10l.

Such licences will authorize executors, administrators, or the wives or children of persons deceased, to carry on trade for the unexpired terms thereof. S. 5.

Duty for carriages built and sold to be paid every six weeks, on penalty of 20l. S. 8.

By stat. 38 G. III. c. 54. s. 1, true accounts in writing to be delivered every six weeks, on oath, of the numbers and sorts of carriages made and sold within that period, and the days the same were delivered, together with the names and places of abode of the persons to or for whom such carriages were delivered, on penalty of 20l.

COFFEES, TEA, and COCOA NUTS. By stat. 20 G. III. c. 35. s. 14, 15, dealers in coffee, tea, and cocoa nuts to take out a licence annually, on penalty of 20l.; one licence sufficient for dealing in any or either of the above articles; licence within the limits of the head-office to be granted by two commissioners, in other places by collectors and supervisors of excise; to be renewed ten days before the expiration of twelve months.

By stat. 19 G. III. c. 69, every dealer to cause the words *dealer in tea*, &c. to be painted over the door of the shop, on penalty of 200l. S. 18.

A dealer not having made entry at the excise-

office, and having the words *dealer in tea*, &c. painted over his door, penalty 50l. S. 21.

Dealers purchasing of any person other than a dealer having the words *dealer in tea*, &c. painted over his door, except from the original warehouse, or at the India company's, the customs, the excise, or salvage sales, &c. penalty 100l. S. 19, 20.

Goods purchased by any person not being a dealer, of any person not having the words *dealer in tea*, &c. painted over his door (except at the India company's, the customs, the excise, or salvage sales, &c.) subject the buyer to a penalty of 10l. The seller, within twenty days after, and before information laid, discovering the buyer, exonerates himself. S. 22.

By stat. 11 G. I. c. 32. s. 4, publicans or dealers in brandy having above six pounds of tea, coffee, or cocoa nuts in their custody, are deemed sellers thereof, and subject themselves to the survey of the excise, and to the penalties for dealing without a licence.

By stat. 10 G. I. c. 10. s. 10, dealers must, before they receive any of the above goods into their custody, make entry in writing, at the next office of excise, of their warehouses, rooms, shops, or other places for keeping tea, &c. on penalty of 200l.

By stat. 10 G. I. c. 10. s. 14, and 12 G. III. c. 46. s. 6, coffee and cocoa nuts not to be sold or exposed to sale but in some entered shop, &c. on forfeiture thereof, and treble value. For tea exposed to sale in such manner the penalty is 10l. and forfeiture thereof.

By stat. 10 G. I. c. 10. s. 35, and 12 G. III. c. 46, s. 4, dealers must enter each night in one book all such goods sold or consumed in the day in quantities under six pounds, and in another book all sold in quantities above six pounds, on penalty of 100l. Not to have more than one entry-book of each sort at a time, and enter distinct accounts of black and green tea sold or consumed, on the same penalty.

By stat. 12 G. III. c. 46. s. 35, dealers must leave their entry-books open to the inspection of the officer, and return them upon oath when filled up; for refusal, neglect, or false entry, penalty 100l.

By stat. 11 G. I. c. 30. s. 12, a dealer, upon oath or suspicion, may be summoned by two commissioners in London, or one magistrate in the country, to

make oath to his entry-book; for refusing, penalty 20*l*.

By stat. 10 G. III. c. 10. s. 15, and 12 G. III. c. 46, s. 5, dealers selling above six pounds are entitled, on application, to a permit or certificate to protect the same from seizure on removal; the permit must specify distinctly the quantity of black and green tea.

By stat. 21 G. III. c. 55. s. 27, and 10 G. III. c. 10. s. 15, permits for removal to express the time they are to be in force, as well for removing from the stock of the person as delivering into the stock of a person to whom the same is sent, and to be in force only a limited time.

By stat. 21 G. III. c. 55. s. 27, 28, goods not being received into the stock of the person to whom sent within the time limited in the permit, to be considered as removed without permit; but on proof of unavoidable delay, the court before whom the matter is brought may restore the goods.

Dealers taking permits, and not sending away goods or returning permits within the time limited for removing goods out of stock, forfeit treble value, together with the goods also, if on taking stock there shall not appear a sufficient decrease to answer the permits. S. 27.

Dealers having an increase in their stock above what the officer found in his last survey, such increase is to be deemed brought in without permit, and to be forfeited, and the dealer incurs the penalty of 20*l*. S. 29.

By stat. 10 G. I. c. 10. s. 39, dealers fraudulently concealing tea, coffee, or cocoa nuts, forfeit the same and treble value.

By stat. 11 G. I. c. 30. s. 1, all goods liable to forfeiture are seizable on board ship by any officer of excise.

By stat. 10 G. I. c. 10. s. 11, dealers not to bring in tea, coffee, or cocoa nuts, without giving notice, and producing an authentic permit or certificate to the proper officer, on forfeiture of the goods and treble value.

By stat. 10 G. I. c. 10. s. 26, and 21 G. III. c. 55. s. 10, goods not to be delivered out of the warehouses for home consumption, but upon producing a warrant of the inland duty being paid.

Goods not to be delivered out of warehouses for

home consumption without a permit granted by the warehouse-keeper, and signed by the officers of excise. *Ibid*.

By stat. 10 G. I. c. 10. s. 29, goods being delivered by warehouse-keepers illegally, subjects them to the forfeiture of their employ, and 100*l*. penalty.

By stat. 22 G. III. c. 68. s. 26, and 23 G. III. c. 70. s. 10, dealers or other persons counterfeiting or forging, or fraudulently altering or erasing any permit or certificate, or knowingly receiving, publishing, or using any counterfeited, forged, false, untrue, altered, or erased permit or certificate, forfeit 50*l*.

By stat. 10 G. I. c. 10. s. 12, dealers must permit officers at all times (by day) to enter and take account, on forfeiture of 100*l*.

Goods suspected to be concealed may in the day (or night with a constable) be searched for and seized under a warrant of two commissioners in London, or of one justice in the country; for obstructing, penalty 100*l*. S. 13.

By stat. 10 G. I. c. 10. s. 13, 40, and 21 G. III. c. 55. s. 45, obstructing or molesting officers in seizing tea, coffee, or cocoa nuts, or rescuing or saving, or destroying the goods, or attempting either after seized, penalty 50*l*.

By stat. 35 G. III. c. 118. s. 22, and when searched and seized under a warrant, penalty 100*l*.

By stat. 19 G. III. c. 69. s. 10, for obstructing officers in seizing tea, coffee, or cocoa nuts, or rescuing, or destroying or damaging the same, or the package after seized, offenders may be arrested, taken before one magistrate, and committed for trial at the next quarter sessions.

By stat. 10 G. I. c. 10. s. 21, and 12 G. I. c. 28. s. 8, when tea, coffee, or cocoa nuts are seized, the proof of payment of the duty lies on the claimer.

By stat. 5 G. III. c. 43. s. 35, 36, tea imported must be entered with excise, and landed within thirty days after reported, on forfeiture thereof; but this does not extend to tea imported by the East-India company.

By stat. 24 G. III. c. 38. s. 5, a quantity of tea sufficient for one year's consumption must be always kept before-hand by the East-India company.

Four public sales are to be held every year by the East-



East-India company, at which such quantity as shall be adjudged sufficient to supply the demand must be put up at prime cost, with the charge of freight, importation, insurance, and lawful interest, and must be sold, provided an advance of one penny per pound is bid. But, by a regulation adopted at the late sales, if an advance take place of one farthing upon bohea, and one halfpenny upon congo and green tea, the highest bidder becomes the purchaser. *Ibid.*

By stat. 18 G. II. c. 26. s. 7, tea put up to sale by the East-India company, the best bidder, within three days, must deposit 40s. per chest, or forfeit six times the value of such deposit, and be rendered incapable of bidding at any future sale.

By stat. 13 G. III. c. 44. s. 2, tea put up to sale by the East-India company, the best bidder for any lot of bohea must deposit 4l. per chest, under the conditions, penalties, &c. contained in 18 G. II. c. 26.

By stat. 18 G. II. c. 26. s. 6, sales of tea by the East-India company must be attended by an officer of excise, who is to take an account of the buyers and prices, and return the same to the commissioners on oath; such return to ascertain the charges of each lot.

By stat. 24 G. III. c. 38. s. 3, and 25 G. III. c. 74. s. 2, the duty thereon to be computed from the gross price at the company's sales, and the account thereof made up by the company, together with the proper officer of excise.

The duty thereon to be paid by the purchasers to the company, and by the company to the receivers of the revenue, within forty days after each quarterly sale. *Ibid.*

By stat. 18 G. II. c. 26. s. 2, the duty thereon to be paid before taken out of the warehouses.

By stat. 10 G. I. c. 10. s. 29, a true account thereof to be entered by the respective warehouse-keepers in books to be kept for that purpose, of all quantities received and delivered, distinguishing to whom delivered, and whether for home consumption or exportation.

By stat. 12 G. III. c. 46. s. 1, 2, dealers therein to distinguish their tea by the names black or green; black comprehends bohea, congo, souchong, and peko; green every other sort.

Dealers to mark their cannisters or other packages

with the words black or green tea, according to the sort of tea contained in each. *Ibid.*

By stat. 21 G. III. c. 55. s. 25, dealers to deliver to officers, on demand, samples of the identical tea intended to be removed by permit, not exceeding two ounces; such samples to be paid for; refusing samples, penalty 20l.

By 4 G. II. c. 14. s. 11, dealers manufacturing leaves in imitation of tea, or mixing or colouring such leaves, or having in custody, or offering to sale any dyed or manufactured leaves or tea mixed therewith, penalty 10l. for every pound weight.

By stat. 11 G. I. c. 30. s. 5, dealers not to alter, adulterate, or fabricate tea with *terra japonica*, or other drug, or mix tea with other leaves or ingredients, on forfeiture thereof, and 100l.

By stat. 17 G. III. c. 29. s. 1, dealers or other persons dying or manufacturing leaves in imitation of tea or tea leaves that have been used, or mixing such leaves with *terra japonica*, copperas, &c. or selling, exposing to sale, or having in custody any such leaves, on conviction, by oath of one witness before one magistrate, penalty 5l. per pound; in default of payment, to be committed for not more than twelve nor less than six months.

Dealers or others having in their custody above six pounds of ash, elder, or other leaves, green or manufactured, not proving they were gathered with the consent of the owners of the trees, and what uses other than fabricating imitations of tea, penalty 5l. per pound; and in default of payment, to be committed for not more than twelve months, nor less than six months, at the discretion of the magistrate. S. 2.

By 17 G. III. c. 29. s. 3, leaves dyed or fabricated in imitation of tea, suspected to be concealed, may by day, or night with a constable, be searched for and seized under a warrant of one magistrate; penalty of obstructing 50l.; in default of payment, the party may be committed for not more than twelve nor less than six months.

Leaves, green or manufactured, found in the custody of any person, suspected to be for the purpose of fabricating any imitation of tea, to be seized and burnt, unless the owners prove within twenty-four hours that they were gathered with the consent of the

the proprietor of the trees, and for other uses than before mentioned. S. 3 and 4.

By stat. 17 G. III. c. 29. s. 5, leaves dyed or manufactured in imitation of tea, and found in the out-houses, gardens, or lands of any person, are deemed to be in his custody, if lodged there with his privacy or consent. S. 5.

Leaves dyed or fabricated in imitation of tea, the conviction for such offence to be certified in form prescribed to the quarter sessions, to be there filed with the records. S. 9.

Leaves dyed or fabricated in imitation of tea, the judgment of the magistrates for offences relative thereto to be final, and not to be moved by *certiorari*. *Ibid.*

By stat. 21 G. III. c. 55. s. 26, tea above six pounds found removing at any hour except between seven o'clock in the morning and five o'clock in the evening, from the 29th day of September to the 25th day of March, or between five o'clock in the morning and seven o'clock in the evening, from the 25th day of March to the 29th day of September (except in a known stage-coach or wagon usually travelling out of those houses), with or without permit, to be forfeited, together with the cattle and carriage employed therein.

A dealer receiving tea with permit may return the same, or any part thereof, within twenty-four hours after, upon giving twelve hours notice to the officers, stating the cause of such return, and signing his own name, and adding the name of the person to whom the same is returned, with the words "returned tea," on the package. S. 24.

By stat. 21 G. III. c. 55. s. 24, dealers returning tea to the persons from whom the same is received without permit, or in anywise contrary to the statute, to forfeit the same, and 100l. penalty.

By stat. 21 G. III. c. 55. s. 20, 24, and 22 G. III. c. 68. s. 21, 24, tea (any quantity except such as is returned under the legal rules) removed from without to within the bills of mortality, with or without permit, is forfeited, with the vessels, boats, horses, and carriages, employed in removing the same.

By stat. 12 G. I. c. 28. s. 6, if tea be seized by any officer of the customs by land, notice thereof must be

given to the excise within 48 hours, in order to entitle the seizing officer to the reward.

Tea seized by any officer of the customs, if afterwards removed without an excise permit, may be seized. *Ibid.*

By stat. 21 G. III. c. 55. s. 23, tea seized by officers of excise in any part of England, must be sent to London, with permit, and there publicly sold.

By stat. 12 G. I. c. 28. s. 29, dealers in cocoa nuts are to keep an account of all sold or delivered in parcels of 28lb. or upwards, and of the name and place of abode of the persons to whom sold or delivered, and shall permit officers to peruse and take copies thereof, on penalty of 20l.

By stat. 4 G. II. c. 14. s. 12, coffee, the shells or husks thereof, being seized and condemned, are to be destroyed, and the seizing officer to have a reward, not exceeding 20s. per cwt.

By stat. 21 G. III. c. 55. s. 13, 17, cocoa nuts damaged, and which cannot be sold for one shilling per pound, are not to be used for home consumption, but may be exported on bond not to re-land the same.

Coffee damaged, and not worth 1s. 6d. per pound, is not to be sold for home consumption, but may be exported upon bond not to re-land the same. *Ibid.*

By stat. 21 G. III. c. 55. s. 19, coffee and cocoa nuts seized, which cannot be sold for one shilling per pound, to be destroyed.

By stat. 10 G. I. c. 10. s. 31, 33, coffee for sale must be roasted at houses provided by the commissioners of excise, and nowhere else.

Note, Private persons may roast coffee at their own houses, but not for sale.

Roasters to be appointed and materials provided by commissioners, but dealers may employ their own roasters if they please. S. 31, 32.

Coffee roasted at public roasting-houses by public roasters, to pay not exceeding 8s. per hundred, by private roasters 3s. per hundred. *Ibid.*

By stat. 11 G. I. c. 3. s. 9, coffee is not to be roasted with, nor the weight thereof to be increased by butter, water, grease, &c. nor is any dealer knowingly to buy coffee so mixed, on penalty of 100l.

By stat. 10 G. I. s. 34, roasters, or officers appointed to attend the roasting-houses, neglecting to give

give due attendance, forfeit for the first offence 10l. and for the second 20l. and their employments.

By stat. 12 G. I. c. 28, coffee seized by any officer of the customs, if afterwards removed without an excise permit, may be re-seized. S. 6.

Coffee seized and condemned in any part of England, may be brought to and publicly sold in London. S. 1.

By stat. 35 G. III. c. 118, samples may be taken of coffee and cocoa nuts after being weighed, not exceeding four ounces in weight, and not more than three samples to be taken out of one cask; and upon taking a second, the first sample to be returned, or in lieu thereof a quantity of good coffee equal in weight to such previous sample. S. 12.

By stat. 35 G. III. c. 118, coffee and cocoa nuts may be delivered from such warehouses for home consumption, on production of a certificate of the payment of the duties, but not to be delivered in less quantities than the entire cask, bag, or other package in which the same was imported or re-packed when first weighed, nor in any less quantity than 112lb. at least, under penalty of 50l. S. 15.

Coffee and cocoa nuts to be lodged as the commissioners shall appoint. S. 17.

Warehouse rent to be paid to the proper officer of excise before delivery of the coffee or cocoa nuts, after the rate of one shilling per week per ton weight. S. 19.

Coffee or cocoa nuts deposited in the warehouses may be sold for payment of the duties, if not cleared and the duties paid in three years; the surplus, if any, to be paid to the proprietor. S. 21.

The duties imposed on coffee and cocoa nuts by 27 G. III. c. 13, and 35 G. III. c. 13, are extended to all coffee and cocoa nuts delivered for home consumption out of the warehouses provided by 35 G. III.

By stat. 38 G. III. c. 33. s. 10, commissioners of the customs may permit the removal of coffee and cocoa nuts from the port of importation to any other part in England, for the purpose of exporting the same.

By stat. 41 G. III. c. 91. s. 3, any commodity manufactured in imitation of coffee, found in the custody of any dealer in coffee, shall be forfeited,

and the dealer in whose custody the same is found shall incur a penalty of 50l.

CHOCOLATE. By stat. 21 G. III. c. 55. s. 19, chocolate seized, and which cannot be sold for one shilling per pound, to be destroyed.

The proof of the same not being manufactured to lie on the owner. S. 4.

N. B. The inland duties on chocolate being repealed by 21 G. III. c. 55, it is no longer under survey of officers of excise, and any person is at liberty to make chocolate from cocoa nuts that have paid duty.

CYDER and PERRY. By stat. 12 Car. II. c. 26. s. 34, cyder and perry to be charged by wine measure.

By stat. 6 G. III. c. 14, s. 5, being either received by any person to sell or dispose of, makes such person a factor or agent.

By stat. 3 G. III. c. 1. s. 24, cyder and perry purchased for private use by persons not being dealers or retailers, are exempt from the four shillings duty imposed by the annual malt act.

Sold to distillers to be used for distilling, are not chargeable with the four shillings duty. S. 11.

By stat. 6 G. III. c. 14. s. 5, received from any persons, if proved to be made from fruit of their own growth, not chargeable with duty.

By stat. 6 G. III. c. 16. s. 5, 6, 7, 12. and 29 G. III. c. 10. s. 22, &c. accompanied with a certificate that all or any part of the duties have been charged, not to be again charged with such duties or part of duties.

By stat. 26 G. III. c. 59. s. 26, either being found in rooms, cellars, &c. entered by any wholesale dealer in wine for keeping or selling the latter article, is to be deemed foreign wine.

Cyder and perry are to be kept separate and apart from wine by retailers of the latter, on penalty of 10s. per gallon, and forfeiture of the wine and liquors not set apart. S. 24.

By stat. 6 G. III. c. 13. s. 8, being carried from one part of the kingdom to another in any ship, vessel, barge, &c. the master thereof is within three days after the arrival at the port of delivery, to give the officers of the excise an account in writing of the quantity, with the names and residences of the persons by and to whom sent, on penalty of 20l. to be

landed

landed within 21 days after her arrival at the place of delivery, on forfeiture thereof.

**CYDER MAKERS.** By stat. 8 G. III. c. 1. s. 25, are to make entry in writing at the next office of excise of all store-houses, roomis, cellars, &c. for making or keeping, on penalty of 50*l*.

By stat. 7, 8 W. III. c. 30. s. 16, 17, to permit officers by day, or night with a constable, to enter and take accounts; for refusing, penalty 15*l*. for concealing or conveying away cyder, penalty 10*l*. per hogshead.

By stat. 8 and 9 W. III. c. 19. s. 9, are not to deliver any cyder or vinegar to distillers or vinegar makers, without notice to officers, penalty 20*s*. per barrel.

**CYDER FACTORS.** By stat. 3 G. III. c. 1. s. 25. and 6 G. III. c. 14. s. 9, receiving cyder or perry for sale, are to make entry in writing at the next office of excise, of all their store-houses, cellars, or other places for keeping the same, on penalty of 50*l*.

Factors are subject to the same rules and regulations as dealers in or retailers of cyder.

Receiving into their custody cyder for sale, without certificates, are chargeable with duties for the same, unless proved to be made from fruit of their own growth. S. 5.

Factors receiving cyder with certificates that all or any part of the duties have been charged, are not to be charged again with the duties or such part of them. S. 5, 6, 7, and 29 G. III. c. 10. s. 22.

By stat. 6 G. III. c. 14. s. 15, for sending cyder or perry from makers to buyers without the duty being charged, and without certificate thereof, penalty 50*l*.

**CYDER DEALERS.** By stat. 3 G. III. c. 1. s. 25, are to make entries in writing at the next office of excise, of all places used by them for keeping, on penalty of 50*l*.

By stat. 4 C. I. c. 3. s. 11, dealers receiving cyder or perry from remote places, are to permit officers in the day time, on demand, to enter and take account on forfeiture of 50*l*.

Are chargeable with duty for cyder brought in unless they make it appear that it has been charged, or was made from fruit of their own growth.

By stat. 6 G. III. c. 14. s. 6, 12, dealers receiving

cyder with certificates that all or any of the duties have been charged, are not again to be charged with any of the like duties.

Dealers, though from fruit of their own growth, are subject to the same rules and regulations as if otherwise. S. 13.

Dealers making from fruit of their own growth, and selling the same in quantities of 20 gallons or upwards at a time, are chargeable with the duty of six shillings per hogshead. S. 10, 12.

**CYDER RETAILERS.** By stat. 3 G. III. c. 1. s. 25, are persons who sell in less quantities than 20 gallons at a time, whether made from fruit of their own growth or not.

Such retailers are to make entry at the next office of excise, of all places used by them for keeping cyder, or perry, on forfeiture of 50*l*.

By stat. 6 G. III. c. 14. s. 13, though such cyder be made from fruit of their own growth, are subject to the same rules and regulations as if not so made.

Making cyder from fruit of their own growth, and selling the same in quantities of 20 gallons or upwards at a time, are chargeable with the duty of six shillings per hogshead. S. 10, 12.

Receiving cyder with certificates that all or any of the duties have been charged, are not to be again charged with the like duties. S. 6, 12.

Sending cyder or perry from the maker to the buyer, without the duties being charged, and without having certificates thereof, forfeit 50*l*. S. 15.

**DISTILLERS.** See general article.

**GLASS.** By stat. 24 G. III. c. 41. s. 1, 6, 7, glass-makers are to take out licences for each glass-house annually, on penalty of 50*l*.

By stat. 19 G. II. c. 12. s. 6, and 17 G. III. c. 39. s. 27, no pot to be used without first giving notice to the officers, so that they may weigh, gauge, and take accounts of the same, on penalty of 50*l*.

By stat. 19 G. II. c. 12. s. 7, 8, not to begin to fill or charge any pot without giving 12 hours notice in writing of the time of beginning, weight of metal, and species of glass, on penalty of 50*l*.

By stat. 17 G. III. c. 39. s. 33, in notices to fill or charge any pot, are to express the time intended to begin, the weight of the metal to be used, and the kind of glass to be made, on penalty of 50*l*.

Putting



Putting metal or materials into any pot after notice given and gauge taken, without fresh notice, penalty 50*l*.

By stat. 32 G. III. c. 40. s. 1, 2, makers of flint glass are allowed three hours for beginning to charge their pots after the time specified in their notices, but within six hours after such beginning, are to put in one-fourth of the metal, on penalty of 50*l*.

Makers of flint may, on six hours notice, take any quantity of metal not exceeding 40 pounds, on which the duty has been charged, out of any pot, and put the same, in the presence of the officers, into any new pot for glazing the same. S. 7.

Makers of flint may, on six hours notice, take any quantity of metal, on which the duty has been charged, not exceeding ten pounds, and, in the presence of the officers, lade the same, as often as necessary, into and out of any pot in which stained glass has been melted, for the purpose of cleansing the pot. S. 8.

Makers of flint are not to take the stoppers from pots without giving one hour's notice to the officers, except to prevent loss by, or to discover, any broken pot, and except while charging, and within 36 hours after beginning; on penalty of 50*l*. S. 6.

By stat. 17 G. III. c. 39. s. 31, makers to be allowed in compensation for all waste, except by the breaking of pots, as follows; viz. in pots containing 100*lb*. weight, for flint, enamel, stained, and phial glass, one-fourth of the metal, and one inch at the bottom; in pots not containing 100*lb*. weight, used for such glass, one-fifth of the metal; in pots for crown, paste, and window glass, one-fourth of the metal, and four inches at the bottom.

Makers may work up the bottoms of pots for which the allowance of three or four inches is made, upon giving six hours previous notice in writing; in such case the metal worked up, must be charged with the duty of 18*s*. 8*d*. per cent. and only one inch be allowed at the bottom of the pot, for working up such bottoms: without notice, penalty 50*l*. S. 32.

By stat. 27 G. III. c. 28. s. 5, 6, cast plate is to be charged by weight, if squared and measured in the presence of the officer; but the plate must be ten-twentieths of an inch thick, if the superficial contents be 6147 inches; nine twentieths, if between 5215

and 6147; eight-twentieths, if between 4282 and 5215; seven-twentieths, if between 3350 and 4282; six-twentieths, if between 2417 and 3350; and five-twentieths, if between 1485 and 2417.

Makers of cast plate, if the plate and cullet do not weigh two-thirds of the gross gauged weight of the materials, are to be charged for the deficiency at the rate of 1*l*. 10*s*. 5½*d*. per cent. S. 9.

Makers of cast plate are to give six hours notice in writing in London, and 12 in the country, before drawing plates out of the annealing arch; on penalty of 50*l*. S. 7.

Makers of cast plate, as soon as the plates are drawn out of the annealing arch, are to square and weigh the same, with the cullet arising from the squaring, in the presence of the officers; on pain of being charged at the rate of 1*l*. 1*s*. 5½*d*. per cwt. for all the materials used in the making. S. 7, 8.

Makers of cast plate, at the request of the officer, and to his satisfaction, are to break into small pieces all cast plate glass and cullet that shall not be squared into plates of 1485 square inches or upwards, and of the thickness, on an average, of at least five-twentieths of an inch; for neglect, penalty 50*l*. S. 31.

By stat. 27 G. III. c. 18. s. 11, makers of cast plate not to remove or send away glass until an account is taken, and the duty charged; on penalty of 50*l*. and forfeiture of the glass.

By stat. 17 G. III. c. 39. s. 34, and 35 G. III. c. 14. s. 25, makers are to permit officers to take samples of metal or materials, not exceeding four ounces, out of any pot or other utensils, paying one halfpenny an ounce for the same, if demanded; obstructing, penalty 200*l*.

By stat. 19 G. II. c. 12. s. 9, makers are entitled, on demand, to copies of officer's return.

By stat. 19 G. II. c. 12. s. 13, and 17 G. III. c. 38. s. 28, makers, or their clerks or workmen, are to make entries in writing, and on oath, monthly, in London, and every six weeks in the country, of the metal or materials used in such making, on forfeiture of 20*l*.

By stat. 19 Geo. II. c. 12. s. 14, are not obliged to go farther than the next market town to make entry.

Makers in London to pay the duty within four weeks,

in the country within six weeks, after they have, or ought to have, made entry; on forfeiture of double duty. S. 15.

By 19 Geo. II. c. 12. s. 11, and 17 Geo. III. c. 39. s. 29, makers, upon giving due proof of the breaking of pots, to be allowed the duty on the materials lost or spilled.

By stat. 17 Geo. III. c. 39. s. 38, makers are not to act as justices in matters relating to the duties on glass.

By stat. 30 G. III. c. 114. s. 1, makers thereof, before they begin to make or mix materials, are to make entries in writing of their work-houses, furnaces, annealing arches, &c. made use of for the making thereof, at the nearest office of excise; on penalty of 200l. S. 2.

Officers are at all times, by day or by night, to enter such work-houses, &c. and to gauge the materials, and mark the pots, as they shall think fit; penalty for counterfeiting marks 500l. and defacing them 200l. S. 2.

Makers are to give four hours notice in writing of their intention to heat any annealing arch, specifying the particular pot to be used, with the true numbers thereof; on penalty of 20l. S. 1.

No pots are to be filled with metal, or preparations made, until the officers have particularly examined and gauged the same; on penalty of 50l. S. 4.

Officers are not to be obstructed by stirring the fires in any furnaces, &c.; on penalty of 100l. S. 5.

Officers are at all times to be at liberty to unstop, or take down, any pots, in order to gauge materials, &c. S. 6.

Makers being desirous of making common glass bottles in separate houses, are to deliver to the surveyors or supervisors declarations in writing of their desire to pay the duties according to the weight of the bottles, &c. specifying the particular glass and size whereof they intend to make the same; in such cases the officers are not to charge the duty on the materials in the pot. S. 7.

Such declarations are to remain in force six months at least from the delivery thereof, and from that period until revoked by notes in writing, delivered by the makers to the surveyors or supervisors.

Makers delivering such declarations are to make

their annealing arches in a rectangular form, the sides and ends thereof perpendicular and parallel to each other respectively, the bottoms thereof level, with only one mouth or entrance into each, and are to number the same progressively with durable marks; on penalty of 100l. S. 8.

Makers on delivering such declarations are to provide and fix sufficient iron gratings to the mouths of the annealing arches, to be approved of in writing by the officers, who are to lock up the arches, except when actually at work; for neglect, or obstructing officers in placing fastnings, &c. penalty 200l. S. 1.

Annealing arches are not to remain open more than 24 hours, except for repairs. S. 9.

Makers of common glass bottles are to alter their locks, &c. when required by the surveyor or supervisors; on penalty of 100l. S. 10.

Makers delivering declarations are to give 12 hours notice in writing of their intention to heat annealing arches; upon such notice being given, officers are to attend to unlock the same, and if the fires be not lighted within, such arches are to be locked up, and fresh notices given. S. 11.

Bottles when blown are to be removed into the annealing arches, and to be placed in such manner as the officers shall approve; and bottles of different makings, or any other sort of glass, are not to be put at the same time therein; on penalty of 50l. S. 12.

The whole of the metal intended to be manufactured into common glass bottles, is to be worked within 16 hours next after the same shall be begun, and when the bottles are deposited in the annealing arches, makers are again, in the presence of the officers, to charge each pot with fresh materials, other than broken glass, not less than 50lb. weight; and declarations in writing of the number of such bottles are to be delivered to the officers, on penalty of 100l. But such penalties are not incurred, if the number declared do not differ from the actual number more than 5 in a hundred. S. 13.

Makers beginning to work metal out of any pots, are to be deemed as beginning for the whole then charged. S. 1.

Makers are required to affix proper hooks or staples, with scales and weights, where they shall make glass bottles, to be approved of in writing by the surveyor

veyor or supervisors; and also to suffer the officers to use the same, for the purposes of weighing and taking accounts of such bottles; on penalty of 50*l*. S. 15.

Makers being desirous of removing bottles out of the annealing arches, are to give twelve hours notice thereof, and the officers are to attend and see the same taken out within four hours after; and, when the bottles are so taken out, they are to be weighed in the presence of such officer; for delaying to draw, or not clearing the whole within four hours, penalty 100*l*.

Makers neglecting to begin to draw bottles immediately on the arches being opened, fresh notices are to be given. S. 16.

Notices are not to be given for drawing out bottles but between eight o'clock in the morning and six o'clock in the afternoon; any notices given for any hours other than in the day-time are to be void. S. 16.

In weighing common glass bottles, 1*lb*. in every hundred is to be allowed to the maker, in lieu of the turn of the scale in favour of the crown. S. 17.

Makers are to assist the officers in weighing, on penalty of 50*l*. S. 18.

Bottles are not to be conveyed away from any annealing arches before the proper officer shall have weighed the same, which are to be produced for that purpose, on penalty of 50*l*. S. 20.

Bottles having been weighed, and such as have not been weighed, to be kept separate, on penalty of 50*l*. S. 21.

Makers using any private annealing arches, other than known and entered ones, or fraudulently removing or concealing any common glass bottles before the same shall be weighed, penalty 50*l*. S. 22.

Phials, &c. are not to be made in any building entered for making common glass bottles, or in any adjoining buildings, on penalty of 200*l*. S. 23.

Officers are at liberty, with warrants, to search suspected places, and seize bottles, &c. on oath of grounds of suspicion of the same having been removed before being weighed. S. 24.

Makers obstructing officers in any part of their duty, incur a penalty of 200*l*. S. 25.

LEATHER GLOVES AND MITS. By stat. 6*G*. III. c. 19,

leather gloves and mits, of foreign manufacture, imported, are forfeited, and the importers are liable to the penalties of 200*l*.; for each selling, or offering to sale, or concealing, or having such in custody (except worn as apparel), penalty 200*l*. and forfeiture of such gloves. S. 1, 8.

Leather gloves and mits of foreign manufacture being seized, if any question shall arise as to the places of manufacture thereof, the proofs are to lie on the claimers, and the buyers thereof (not being the importers), discovering the sellers, acquit themselves to the penalties. S. 3, 4.

Leather gloves and mits of foreign manufacture, seized and condemned, are to be sold, and delivered, upon sufficient security, for exportation. S. 5.

HAIR POWDER. By stat. 10 Anne, c. 26. s. 31, hair powder, mixed with alabaster, whiting, lime, chalk, or of other materials than starch, or powder of starch, or rice first made into starch, shall be forfeited, and a penalty of 50*l*.; and exposing such mixture to sale, forfeits the powder, and 2*l*.

By 4 *G*. II. c. 14. s. 5, dealers in hair powder offending as above, shall forfeit the hair powder so mixed, and 20*l*.

Makers of hair powder to make a true entry in writing, at the chief office of excise in London, or the office next adjoining the place of his residence, or the place of his abode, with the work-houses to be made use of for making of hair powder, under penalty of 20*l*. S. 6.

Officers of the excise may enter work-houses to examine hair powder, of which they may take samples, paying for the same; and if it shall appear that such powder is mixed with any alabaster, plaister of Paris, talk, chalk, whiting, lime, or any materials other than before mentioned, the person in whose custody the same shall have been found, shall forfeit 20*l*. S. 7.

Makers or dealers in hair powder having in their custody any alabaster, lime, &c. shall forfeit the same, with a penalty of 10*l*. S. 8.

Dealers in hair powder not permitting officers to enter and take samples, shall, for every such offence, forfeit 20*l*. S. 9.

Penalties to be sued for as by the laws of excise. S. 10.

By 26 G. III. c. 51. s. 24, makers of hair powder receiving into their possession any starch in paper not stamped, or any loose starch, or scrapings of starch, shall forfeit 10s. per pound for every pound weight so found; and keeping the quantity of 28lbs. in any unentered place, incurs a forfeiture of the same, and 50l.

Hops. By stat. 9 Anne, c. 12, planters or growers thereof are, on or before the 1st day of August in every year, to give notice in writing at the nearest office of excise of all their hop grounds, and the parishes or places wherein the same lie, on penalty of 40s. per acre; officers are to enter such notices in books kept for that purpose. S. 6, 7.

Planters or growers thereof are not to make use of any oust, storehouse, or kiln, for curing or keeping hops, without giving notice, on penalty of 50l. S. 8.

Planters or owners are to permit officers at all times by day (and by night with constables) to enter and view their hops; for obstructing, penalty 100l. S. 15.

By stat. 9 Anne, c. 12. s. 9, and 6 G. I. c. 21. s. 27, 28, planters or owners are, within six weeks, to bring their hops to the entered oust to be cured and bagged, on forfeiture of 5s. per pound; but they may put them into casks instead of bags.

By stat. 6 G. I. c. 21. s. 25, 27, planters or owners are to give notice in writing to the officers before they begin to bag or cask; for the first week 24 hours, and for the remainder of the season 48 hours, on penalty of 50l.

By stat. 9 Anne, c. 12, planters or others endeavouring to commit frauds, by using the same bags, with the officers marks thereon, more than once, penalty 40l. S. 23.

Planters or others fraudulently concealing hops, forfeit the same, and a penalty of 20l. S. 15.

Planters or owners are entitled, on demand, to copies of the officer's returns. S. 11.

By stat. 6 G. I. c. 21. s. 28, the duties are to be paid within six months after the hops are cured, and put into bags or casks, on penalty of double duty.

By stat. 28 G. III. c. 27. s. 21, hops in the custody, either of the owners thereof, or others for them, are chargeable for duties in arrear and penalties.

By stat. 9 Anne, c. 12. s. 18, pickers thereof, or others, privately conveying away hops, in order to evade the duty, and defraud the owners, forfeit 5s. per pound, to be adjudged by any one justice, who, for want of distress, may commit such offender to prison, to be whipped, and kept to hard labour for one month; for obstructing officers in apprehending, penalty 5l.

By stat. 7 G. II. c. 19. s. 2, hops are not to be mixed with any drug or ingredient to alter the colour or scent, on penalty of 5l. per cwt.

By stat. 9 Anne, c. 12. s. 15, 18, planters or others obstructing officers in the execution of their duty, incur a penalty of 20l.; for beating or abusing any officer, penalty 5l. or in default of payment to be committed to prison for one month, and whipped.

By stat. 39, 40 G. III. c. 81, owners are to mark their bags before they put in any hops, on penalty of 20l. S. 2.

Hops are not to be bagged in bags of greater weight than in the proportion of 10 pounds for 112 pounds gross weight, on penalty of 20l. S. 3.

Officers are to mark the gross weight, with the year of growth, and the progressive number on the bags, &c.; persons counterfeiting such marks, the penalty is 100l. for defacing them, penalty 20l. S. 4.

Hops are not to be removed from the places of weighing before the expiration of 12 hours, unless the same shall have been reweighed by the supervisors, on penalty of 50l. S. 5.

Owners are to give 24 hours notice of their intention to weigh; and they are to weigh between four o'clock in the morning and five o'clock in the evening. S. 6.

No officers inferior to supervisors are to weigh any hops between five o'clock in the evening and four in the morning, on penalty of 20l. S. 7.

FOREIGN HOPS. By stat. 7 G. II. c. 19. s. 7, being landed without entry and payment of the duty are forfeited, together with the ships or vessels; and also 5s. per pound, and are to be burnt within 10 days after they are condemned.

By stat. 9 Anne, c. 12. s. 23, are not to be re-bagged in British bagging for the purpose of sale or exportation, on penalty of 10l. per cwt.

LEATHER. By stat. 1 Jac. I. c. 22. s. 49, and 9 Anne, c. 11,



c. 11. s. 3, hides and skins of ox, steer, bull, cow, calf, deer, red and fallow, goats and sheep, being tanned or tawed, shall be reputed and taken for leather.

By stat. 1 Jac. I. c. 22. s. 5, a tanner cannot exercise that trade unless he has served seven years apprenticeship, on forfeiture of all leather by him tanned, or the just value thereof; but the wife, son, or daughter of one who has served a regular apprenticeship, may carry on the business.

By stat. 24 G. III. c. 41. s. 1, 6, 7, tanners, tawers, oil dressers, and curriers of leather, are severally to take out, and pay duty for, licences annually; for neglect, penalty on tanners 30*l.* tawers 10*l.* oil dressers and curriers 20*l.*

By stat. 9 Anne, c. 11, before beginning to work, notice to be given in writing, at the next office of excise, of their names, tanhouses, yards, warehouses, mills, pits, vats, &c. on penalty of 50*l.* S. 15.

Are not to make use of any unentered places for drying or keeping hides, skins, &c. on penalty of 20*l.* and forfeiture of such leather. S. 16, 17.

Tanners, tawers, oil dressers, or curriers, fraudulently using any private yard, workhouses, pits, vats, mills, &c. forfeit 20*l.* and the leather for which they were so used. S. 17.

Officers by day to enter and take account of hides, skins, &c. on penalty of 10*l.* S. 16, 17.

By stat. 9 Anne, c. 11, tanners shaving hides or calf skins, before thoroughly tanned, in order to lessen the duties, forfeit such skins, or the value thereof. S. 12.

Tanners, tawers, or oil dressers, are to give two days notice in writing before taking any leather, &c. out of the wooze or other materials to be dried, on penalty of 20*l.* and forfeiture of such goods. S. 16, 17.

Tanners, tawers, or oil dressers, within two days after taking out leather, and before removing the same from the drying place, are to make entries of the number and quality of the hides and skins taken out, which entries are to be verified on oath, on penalty of 20*l.* *Ibid.*

Not to remove hides, &c. from their yards or places for drying or keeping the same, without giving two days notice to the officers. S. 19.

Officers to be permitted to weigh and take account

of leather, and to ascertain on oath the value of such as are chargeable *ad valorem*. Tanners, &c. before removed, are entitled to true copies of the officer's charges. S. 19, 20.

By stat. 5 G. I. c. 2 s. 9, stamps for marking, to denote payment of duties, are to be provided, and may be altered by the commissioners of excise.

By stat. 9 Anne, c. 11, leather, as soon as charged, is to be marked with the duty stamp on such parts as the traders approve. S. 21, 22.

In stamping leather, officers are to be careful not to damage the skins. S. 44.

By stat. 3 G. I. c. 4. s. 13, leather made of sheep or lambs skins is chargeable as tawed leather, though the same may have been previously dipped or steeped in the tanners' woozes.

By stat. 9 Anne, c. 14, made of pates and tales, tanned after being cut from the hides, is to pay duty *ad valorem*, and not to be stamped. S. 46.

The duty upon leather chargeable *ad valorem* is to be ascertained by the makers upon oath, according to the value thereof, at the next market town, and before such leather is removed. S. 14, 19.

A true account of the weight, tale, and value to be entered by officers in books for that purpose. S. 20.

Leather is not to be removed from the usual drying places until charged and marked with duty stamps, on penalty of 20*l.* and forfeiture of such leather. S. 16, 17.

Nor to be removed by any person before stamped, on forfeiture of 50*l.* and the goods so removed. S. 26.

By stat. 5 G. I. c. 2, stamped goods to be kept separate from unstamped, on penalty of 10*l.* S. 10.

Last stamped is to be kept separate from leather previously stamped; within the bills of mortality 24 hours, in the country 48, unless the same shall sooner be reweighed, on penalty of 10*l.* *Ibid.*

By stat. 5 G. III. c. 43. s. 21, not to be removed from the traders, when entered, until 24 hours after stamped by the officers, unless sooner weighed by the supervisors or surveyors, on forfeiture of 20*l.*

By stat. 9 Anne, c. 11, fraudulently hidden or concealed to be forfeited, with a penalty of 20*l.* S. 17.

Accounts are to be made up by the traders, and balanced with the officers, if demanded, every three months, on penalty of 50*l.* S. 27.

The duties are to be paid, in London within 14 days, in the country within six weeks, after being charged and stamped, on forfeiture of double duty; but tanners, &c. are not obliged to go farther than the next market town to pay such duties. S. 23, 24, 25.

Goods are not to be carried out after the makers have neglected to pay the duties, on forfeiture of double the duty, if tawed or oil leather; if any other, double the value. S. 25.

By stat. 1 Jac. I. c. 22. s. 6, and 24 G. III. c. 19. s. 2, a tanner is not to exercise the craft or mystery of shoemaker, currier, butcher, or cutter or worker of leather, on forfeiture of all hides or skins so used by him during the time he has carried on the craft of tanning, or the value thereof, and penalty of 5*l*.

By stat. 1 Jac. I. c. 22, no butcher shall be a tanner, on penalty of 6*s*. 8*d*. for every day he shall use such craft. S. 4.

A currier shall not be a tanner, shoemaker, or butcher, on forfeiture of 6*s*. 8*d*. for every hide or skin curried by him. S. 25.

Tanners or others are not to forestall hides, on penalty of 6*s*. 8*d*. each. S. 7.

Tanners are not to tan any rotten or putrefied hides, nor suffer any hides to remain wet till frozen, nor to overlime hides, nor put them in vats till the lime is washed out; are not to use any materials, except oak or ash bark, tapwart, malt, meal, lime, and culver, or hen dung; are not to parch the leather by the heat of the fire or the sun; and to continue hides for sole leathers in the wooze 12 months, and for upper leathers nine months, on forfeiture thereof, or the just value, for each offence. S. 11.

Not to tan any hides, calves, or sheep skins, in hot or warm wooze, on the penalty of 10*l*. and the pillory. S. 17.

By stat. 34 G. III. c. 63, Samuel Ashton, of Sheffield, in the county of York, painter, is excepted from certain provisions of this act relating to materials, and allowed to use certain other ingredients in preparing a tan liquor of his invention, as mentioned in the letters patent granted to him for his process of tanning, dated January 16, 1794. S. 17.

Tanned leather is to be searched and sealed at

Leadenhall, by searchers appointed by the corporation of London; and in the country, by searchers appointed by mayors, &c. S. 31, 32.

Leather insufficiently tanned or dried is not to be offered for sale, on forfeiture thereof. S. 14, 15, 39.

By stat. 38 G. III. c. 54. s. 10, the pains of death imposed by 9 Anne, c. 11, 10 Anne, c. 26, and 5 G. I. c. 2, are to be in force against all persons who shall counterfeit stamps, provided in pursuance of 27 G. III. c. 13, 28 G. III. c. 37, and 31 G. III. c. 27, or any or either of them, for stamping hides and skins tanned, tawed, or dressed in Great Britain, or who shall imitate the impression thereof, to defraud the revenue of any duties imposed thereon, or who shall sell any hides or skins with such counterfeit impressions, knowing them to be such; or who shall counterfeit any stamps or impressions made in pursuance of any acts of parliament for stamping hides and skins tanned or tawed in Great Britain, to defraud the revenue of the duties imposed thereon, or who shall sell the same with such counterfeit marks or impressions thereon, knowing the same to be counterfeit.

By stat. 39, 40 G. III. c. 66. s. 4, persons wilfully or carelessly injuring hides or skins, so as to decrease the value thereof, forfeit the following sums, viz. not exceeding 10*s*. and not less than 1*s*. for the hide or skin of any ox, bull, cow, &c.; and not exceeding 5*s*. nor less than 6*d*. for the hide of every calf; not exceeding 5*s*. nor less than 1*s*. for the hide of every horse, mare, &c.; and not exceeding 6*d*. nor less than 3*d*. for the hide of every hog, pig, sheep, or lamb, upon conviction before any justice of the peace within whose jurisdiction such hides or skins shall be so found.

By stat. 41 G. III. c. 91. s. 10, from July 5, 1801, if any hides or skins tanned, tawed, or dressed in oil, shall be found in any place whatever in Great Britain (except on the entered premises of a tanner, tawer, currier, or dresser of leather in oil), without having thereon the mark or stamp to denote the charging of the duty for such hide or skin, the same shall be forfeited, and a penalty of 100*l*.

MALT AND MALTSTERS. By stat. 24 G. III. c. 41, makers thereof for sale are to take out, and pay duty for

for licences annually, under penalty of 10l. S. 1, 4, 6, 7.

By stat. 8, 9 W. III. c. 22. s. 8, and 12 Anne, c. 2. s. 7, malt is to be charged by the Winchester bushel, the dimensions of which are 18½ inches wide, and eight inches deep.

By stat. 12 Anne, c. 2, malt to be measured by officers while making, by gauge, and not by the bushel. S. 17.

Maltsters are not to erect, set up, or alter any cisterns or other utensils, or any kilns, floors, or other places, without first giving notice thereof in writing at the nearest office of excise, nor to keep any private utensils, on penalty of 50l. S. 36.

By stat. 12 G. I. c. 4. s. 50, makers are not to begin to wet grain for home consumption until six days after all the malt they have made for exportation shall be dried and locked up, on penalty of 5s. per bushel.

By stat. 12 Anne, c. 2. s. 4, 34, makers of malt are to permit officers by day, or by night with a constable, to enter and gauge utensils, and take accounts of all malt making or made, on penalty of 20l.

By stat. 3 G. III. c. 13, makers are not to begin to wet corn or grain but between the hours of four in the morning and nine in the evening, on penalty of 100l. S. 1.

Makers in any city or town are to give 24 hours notice in writing, and in other places 48 hours, before beginning to wet grain, on penalty of 100l. *Ibid.*

Makers having begun to wet grain pursuant to notice, are to proceed till the whole is covered with water, and continue the same so covered 40 hours, on penalty of 100l. *Ibid.*

For adding fresh grain to any steeping, after taken account of by the officers, penalty 100l. *Ibid.*

By stat. 12 Anne, c. 2. s. 20, and 33 G. II. c. 7. s. 70, makers are to be allowed four bushels in 24 for malt charged while steeping, or within 30 hours after; but such allowance is not to be made unless the grain is continued under water full 40 hours.

By stat. 3 G. III. c. 1. s. 22, for conveying grain from the cisterns, and mixing the same with any couch or floor depending, or conveying away any steeping, or part of a steeping of grain, so that no couch gauge can be taken thereof, penalty 100l.

By stat. 26 G. III. c. 10. s. 17, for treading, ramming, or forcing the grain in the cistern or couch, or if such grain be found so hard, close, and compact, as it could not be unless forced, penalty 5s. per bushel; proof of the grain being so found is deemed conclusive evidence of the fact.

By stat. 12 Anne, c. 2. s. 28, makers are to be allowed 10 bushels in the 20 for malt charged on the floor, after being 30 hours out of the cisterns, and before the same is dried.

By stat. 12 Anne, c. 2. s. 16, and 2 G. II. c. 1. s. 11, are not to mix the grain of one steeping with that of another, nor any of their couches or floors, before put on the kiln, on penalty of 5s. per bushel.

By stat. 12 Anne, c. 2. s. 35, for fraudulently concealing or conveying away malt, penalty 10s. per bushel.

By stat. 1 G. I. c. 2. s. 13, makers or sellers mixing unmaltd corn or grain with grain or corn maltd, or selling such mixture, forfeit 5s. per bushel.

By stat. 12 Anne, c. 2. s. 4, 31, are entitled on demand to a copy of the officer's returns.

Are to make a true entry monthly of all malt made, on penalty of 10l. S. 4.

By stat. 12 Anne, c. 2. s. 5, 6, and 1 G. I. c. 2. s. 8, are to pay the duty within four months after they have, or ought to have, made such entries, on penalty of double duty.

Informations, or actions, for the recovery of the duty thereon, are to be commenced within five years. S. 19.

By stat. 33 G. II. c. 7. s. 17, malt in the custody of makers is liable for duties and penalties.

By stat. 28 G. III. c. 37. s. 21, and also materials and utensils in the custody of makers thereof, or others in trust, are liable for duties and penalties.

By stat. 1 G. I. c. 2. s. 14, for obstructing officers in the execution of their duty, penalty 10l.

By stat. 9 G. I. c. 3. s. 35, malt being destroyed or damaged by fire or water, the proprietors, on application to the justices in sessions, or to the major part of the commissioners, giving six days notice, proving the fact, and that the duty has been paid, are to have certificates to entitle them to receive drawbacks of the whole, or a proportionate part of the duty, according to such damages.

In cases of application for return of the duty for malt destroyed or damaged by fire or water, if to the justices, notice is to be given to the collectors six days prior to the sessions; if to the commissioners, notice to the solicitor six days prior to such applications: relief to be applied for within one month after such losses. S. 36.

On applications for return of the duty for malt destroyed or damaged by fire or water, the judgments of the commissioners, or the justices in sessions, are to be final. S. 37.

By stat. 12 Anne, c. 2. s. 37, appeals lie to the quarter sessions from the judgment of the justices in malt cases; but the determinations of justices in sessions are not to be set aside by *certiorari*.

In cases of appeals the respondents are to have six days notice. S. 38.

By stat. 6 G. I. c. 21. s. 10, in cases of appeals the justices in sessions are to proceed to the merits, and may amend the defects of form.

By stat. 33 G. II. c. 7. s. 11, and 3 G. III. c. 1. s. 10, malt brought by land from Scotland is to be carried through Berwick or Carlisle, and entered with the officers there, on pain of forfeiting such malt.

By stat. 3 G. III. c. 1. s. 10, brought by sea from Scotland, is to be entered with the officers of the port to which it is sent, on pain of forfeiture.

By stat. 33 G. II. c. 7. s. 11, and 3 G. III. c. 1. s. 10, brought from Scotland without certificates is to be charged with the English duty.

By stat. 20 G. III. c. 35. s. 6, allowances to brewers, &c. out of the duty thereon, are to be paid in four months after the duty on the beer is to be paid.

By stat. 21 G. III. c. 55. s. 41, such allowances to brewers, &c. out of the duty thereon, are to be deducted out of the beer duty.

By stat. 22 G. III. c. 68. s. 2, allowances to brewers, &c. out of the duty thereon, are not to be made for table beer.

By stat. 33 G. II. c. 7. s. 16, where payable as rent, or where rent is to be ascertained by the price of malt, the tenant may deduct the duty.

By stat. 26 G. II. c. 13. s. 12, makers thereof being justices, are not to grant beer licences to any person whatever.

By stat. 41 G. III. c. 91. s. 1, a supervisor, or any

other officer of excise, by himself, or by any other person or persons by him employed for that purpose, in the presence of the maltster, or his, her, or their servant (if such master or servant shall think fit to be present at such operation) may throw or remove all the corn or grain out of any couch which such officer shall suspect to have been forced together, and throw and lay the same level in the malthouse; and if any increase shall be found in the gauge or quantity, exceeding one bushel in every 20 bushels, the same shall be deemed conclusive evidence that such maltster or maker did tread, ram, or force together the same corn, &c. and such maltster or maker shall forfeit 5s. for every bushel of such corn or grain.

MEAD OR METHGLIN. By stat. 24 G. III. c. 41. s. 1, 6, 7, 8, makers for sale are to take out and pay duty for licence annually, on penalty of 10l.

By stat. 7 and 8 W. III. c. 30. s. 6, 17, makers are to permit officers by day, and by night with a constable, to enter and take account of any of the liquors, on penalty of 15l.

Makers fraudulently concealing or carrying away mead or metheglin, incur a penalty of five shillings per gallon.

By stat. 26 G. III. c. 59. s. 29, mead or metheglin found in a room, cellar, or other place, entered by any wholesale dealer in wine, for keeping or selling that article, to be deemed foreign wine.

PAPER. By stat. 24 G. III. c. 41. s. 1, 6, 7, makers thereof are to take out and pay duty for licences annually, under penalty for neglect of 20l.

By stat. 34 G. III. c. 20. s. 2, 3, 4, duties are to be paid by makers under the management of the commissioners of excise, as follows:

First class, paper used for writing, drawing, &c. elephant, and cartridge paper.

Second ditto, coloured and whited brown, or paper used for packing goods, &c.

Third ditto, brown.

Fourth ditto, all paper not herein before included, such as sheathing paper, button paper, pasteboard, millboard, scaleboard, &c.

Makers are to make entries in writing, at the nearest office of excise, of their mills, workhouses, &c. for making, drying, or keeping paper, or materials proper to be made into paper, and of all vats, &c.

intended



intended to be used by them for such purposes; for neglecting, penalty 5*ol.* together with all paper, vats, &c. so found, whereof no such entries shall have been made. S. 5.

By stat. 34 G. III. c. 20. s. 6, and 21 G. III. c. 24. s. 5, the ream is to contain 20 quires of 24 sheets in each; the bundle 40 quires of 24 sheets each. Pasteboard, &c. to be made up in parcels, each parcel to contain even dozens of sheets, and not to have less than 24 or more than 72 sheets in each parcel, under the penalty of 5*ol.* By 21 G. III. the quire of double demy for newspapers is to contain 25 sheets.

By stat. 34 G. III. c. 20. s. 7, makers are to give notice to officers when their paper is ready to be weighed and charged, in cities or market towns 24 hours, in other places 48 hours, and such officers are then to attend, and the paper, &c. is to be then produced, being first tied up as follows, viz. all such paper to be inclosed and tied up with strong thread or string, in covers containing one ream or one bundle each: all such pasteboards, &c. being so tied, the different parts of such thread or string shall pass over and across each other at the middle of such reams or bundles of paper, or parcels of pasteboard, &c. and where the same shall cross each other, it shall be passed from thence over and across the ends or sides thereof; and the class wherein the same is rated shall be marked thereon in words at length, and if not produced in such proper manner, fresh notices are to be given.

Paper is to be stamped with stamps or impressions to be provided by the commissioners of excise, who may vary the same as they think proper. S. 8.

For counterfeiting the mark, or selling paper, &c. with a forged one, penalty 5*o*l. S. 9.

Paper is to be marked with proper stamps, and labels affixed to denote the duties, with the christian and surnames of the officers, and the date of the day and year the duty was charged on each ream, bundle or parcel, and for wilfully defacing the same, penalty 5*ol.* S. 10.

Officers may open any ream or bundle of paper, and take samples not exceeding one sheet out of each quire, paying, if demanded, the market price, and may seize the same if found of different classes than

marked on the wrappers; and the person or persons who shall have so falsely marked the same, are to forfeit 5*ol.* Proof of paper being of the class marked on the cover to lie upon the owners. S. 11, 35.

Makers are to make entries on oath in writing every six weeks, of all paper made, on penalty of 5*ol.* but are not obliged to go farther than the nearest market town to make entries. S. 12.

Duties are to be paid within six weeks after the maker has or ought to have made entry, on penalty of double duty. S. 13.

Makers removing or sending away any paper, pasteboard, millboard, sealboard, or glazed paper, before account thereof has been taken by the proper officers, forfeit 5*ol.* nor shall they remove any paper in less quantity than a ream of such paper, under forfeiture of the same, together with the horses, and other cattle, carriage, &c. used in removing the same. S. 14.

Such paper not to be removed until 24 hours after weighing, unless the same is weighed by the surveyor or supervisor, and to be kept separate and apart from other parcels of paper, that such superior officers may re-weigh the same, under penalty of 5*ol.* for each offence. S. 15.

On 48 hours previous notice, paper, &c. may be removed from one mill to another to be finished, on certificate from the officer. S. 16.

Makers are to keep paper, &c. that is stamped, separate and apart from what is unstamped, and one class apart from another; on penalty of 5*ol.* S. 17.

Officers are to enter mills, &c. by day (or by night with a constable) and take account of paper, pasteboard, &c. and of all materials; and are to have copies of their charges if demanded in writing, on penalty of 4*os.* S. 18.

Makers are to assist the officers in weighing, and the surveyors in re-weighing, on penalty of 5*ol.* S. 19, 20.

Surveyors, supervisors, or supervisors and officers, are to give the turn of the scale in favour of the crown, allowing the makers two pound per hundred weight in lieu thereof. S. 21.

No weight less than one pound to be used, on penalty of losing the allowance. S. 22.

Obstructing officers in the execution of this act, penalty 1*o*l. S. 36.

Stationers, dealers in paper, or others, shall not return, or suffer to be returned to any maker of paper, any wrapper or cover which has been before used, but are to destroy the same, on penalty of 100*l.*; and makers receiving such wrappers or covers are subject to the like penalty. But this penalty is not to extend to paper opened and returned on account of the same being disliked and refused by the person to whom the same was sent. S. 25, 26.

Paper suspected to be fraudulently concealed, may be searched for by day (or by night with a constable) and seized under the authority of a warrant (upon oath) before two commissioners in London, or one justice in the country; officers may seize and carry away all such paper, &c. together with the packages containing the same, and the party in whose custody it is found shall forfeit 50*l.* S. 23.

No stationers or dealers in paper shall receive into their custody or possession, any paper made in Great Britain, but in an entire ream or bundle, inclosed in a cover, and labelled with the officer's name, date, &c. on penalty of 50*l.* with forfeiture of all such paper. S. 24.

Paper, &c. being damaged by the sinking of a barge, or vessel, in which the same shall be transported from one port of this kingdom to another within the same, the proprietors thereof, on application to the justices in sessions, giving three days notice to the collector of the damage, are to have a certificate from the justices to entitle them to receive a drawback of the duty in proportion to the damage. S. 48, 49, 50.

**PAPER FOR PERMITS.** By stat. 23 G. III. c. 70. s. 8, paper is to be made with moulds provided by the commissioners of excise.

Makers of such paper are to be appointed by the major part of the commissioners of excise, under their hands and seals.

Paper for permits to have the words *excise office* visible in the substance, and such paper not to be delivered out by any officer of excise, before or after being printed, till filled up agreeable to the request notes of traders, on pain of transportation. S. 11.

Persons counterfeiting paper for permits are guilty of felony without benefit of clergy. S. 9.

**PAPER HANGINGS.** By stat. 24 G. III. c. 41. s. 1, 6,

7, printers, painters, or stainers thereof are to take out licences annually, on penalty of 20*l.*

By stat. 10 Anne, c. 19. s. 43, 44, no place to be used for printing, &c. of paper, without first giving notice thereof, containing their names and abodes in writing, at the next office, on penalty of 30*l.*

Printers, &c. are to permit officers by day (or by night with a constable) to enter and take account of paper, &c. on penalty of 20*l.* S. 48, 50.

By stat. 26 G. III. c. 78. s. 13, stamps and frame-marks for marking paper printed, &c. are to be provided and distributed, and may be altered or renewed by the commissioners of the excise.

By stat. 1 G. I. c. 36. s. 17, officers to take account of the quantity and dimensions of paper before being printed, painted, or stained, and to mark or stamp every sheet and piece thereof, to denote that such account has been taken.

By stat. 2 G. III. c. 78. s. 5, before any piece of paper, &c. shall be printed, the same to be produced to the proper officers, who, if the same be marked as directed above, are to affix at both ends a frame-mark, denoting the measurement thereof. Beginning to print, &c. any piece or sheet of paper before being frame-marked, penalty 20*l.* and the paper is forfeited.

Wilfully cutting out, obliterating, or defacing such frame-mark put on any piece or sheet of paper, penalty 50*l.* S. 14.

Fraudulently affixing to any piece or sheet of paper any frame-mark or stamp, which has been before put on other paper, penalty 50*l.* S. 15.

By stat. 1 G. I. c. 36. s. 17, and 26 G. III. c. 78. s. 10, not giving satisfactory account of paper missing, which had been marked with such frame-marks, to be chargeable with the duties for the same.

By stat. 26 G. III. c. 78. s. 6, 7, printers, or dealers in paper, having in their custody any pieces of printed or painted paper without the frame-marks at both ends, except remnants of less length than the frame-mark expresses, forfeit the same.

Printers, &c. being desirous of cutting printed or painted paper into remnants or parts, are to give six hours notice to the officers, who are to attend, and see the frame-marks and duty stamps cut from each end, and afterwards to stamp such remnants at both ends

ends with the stamps provided for this purpose. S. 8.

To permit the officers to take account of, and charge, and mark with the duty stamp, every piece or sheet of paper as soon as printed, &c. with any colour or figure. S. 9.

In stamping paper printed, painted, or stained, the officers are to do as little damage as may be. S. 13.

No piece or sheet of printed, painted, or stained paper to be removed before charged and marked at both ends with the duty stamp, on penalty of 50*l*. the paper also is forfeited if found in the possession of any dealer. S. 9.

Keeping paper, whether marked and stamped or not, in any place of which no notice has been given, penalty 50*l*. and forfeiture of such paper. S. 16.

By stat. 10 Anne, c. 19. s. 53, 54, printed, painted, or stained paper, and also materials or utensils for printing, &c. found in any private warehouse, of which no notice shall have been given, are forfeited.

By stat. 26 G. III. c. 78. s. 12, for fraudulently concealing printed, painted, or stained paper, or paper marked for printing, &c. penalty of 100*l*.

By stat. 12 Anne, c. 19. s. 52, paper of which an account has been taken, to be kept separate and apart from that of which no account has been taken, on penalty of 5*l*.

By stat. 26 G. III. c. 78. s. 11, all printed, painted, or stained paper, which shall have been stamped and charged, to be kept separate from such as has not been stamped and charged, on penalty of 50*l*.

By stat. 10 Anne, c. 19. s. 51, printed or painted paper not to be removed before account has been taken by the officers, without giving two days notice, on penalty of 20*l*.

By stat. 1 G. I. c. 36. s. 18, and 26 G. III. c. 78. s. 9, removing or sending away paper before account has been taken of it, and before it is marked with the duty stamp, incurs a penalty of 20*l*. and such paper is forfeited.

Paper printed, &c. found without the proper stamp at both ends, in the custody of dealers or others for their use, is forfeited.

By stat. 26 G. III. c. 78. s. 18, and 32 G. III. c. 54. s. 5, printed, painted, stained, or foreign paper

found in the custody of any printer, stainer, or dealer, without the duty stamp and frame-mark, or having the same at one end only, and being as long or longer than the frame-mark at both ends, and being longer by half a yard than the frame-mark expresses, shall be forfeited, and the person in whose possession it is found incurs a penalty of 50*l*.

By stat. 26 G. III. c. 78. s. 17, and 32 G. III. c. 54. s. 4, on oath of suspicion that any such printed, painted, stained, or foreign paper is in the custody of any paper-stainer, or other person for sale, without the duty stamp, two commissioners in London, or one justice in the country, may grant a warrant to search for and seize such paper, in the day time, or by night with a constable; for obstructing or preventing officers on the occasion, penalty 50*l*.

By stat. 10 Anne, c. 19. s. 48, printers, stainers, &c. are entitled on demand to copies of officer's returns.

By stat. 26 G. III. c. 78. s. 2, and 10 Anne, c. 19. s. 46, printers, &c. are to make entries in writing and on oath every fortnight, of all paper painted, stained, &c. by them, on penalty of 50*l*. But they are not obliged to go farther than the next market town to make such entries.

By stat. 26 G. III. c. 78. s. 3, printers, &c. are to pay the duties within a fortnight after they have, or ought to have made their entries, on forfeiture of double such duties.

By stat. 10 Anne, c. 19. s. 20, and 28 G. III. c. 78. s. 17, printers, stainers, &c. obstructing officers in the execution of any part of their duty, incur a penalty of 20*l*. and if in searching for, seizing, or carrying away any forfeited paper, a penalty of 50*l*.

PARCHMENT and VELLUM. By stat. 24 G. III. c. 41. s. 1, 6, 7, makers thereof are to take out licences annually; for neglect, penalty 10*l*.

By stat. 9 Anne, c. 11. s. 15, makers, before they begin, are to give notice at the nearest excise office, of their names, yards, workhouses, vats, pits, &c. on penalty of 50*l*.

No private or unentered places to be kept for drying or keeping skins, on penalty of 20*l*. and forfeiture of the goods. S. 16, 17.

Officers, by day, to enter and take account of skins; for refusing, penalty 10*l*. S. 17.

Two days notice to be given in writing, before taking parchment or vellum out of the materials to be dried, on penalty of 20*l*. S. 17.

By stat. 9 Anne, c. 11. s. 17, and 5 G. I. c. 2. s. 3, stamps to denote the payment of the duties thereon, are to be provided by the commissioners, and may be altered by them.

By stat. 9 Anne, c. 11. s. 22, 24, makers may direct on what part of the hide or skin the officers are to affix the stamp; and in stamping such skins, officers are to be careful not to damage the same.

By stat. 5 G. I. c. 2. s. 10, makers are to keep, stamped goods separate from unstamped, on penalty of 10*l*. and are also to keep the skins last stamped separate from skins previously stamped, if in London 24 hours, and in the country 48 hours, on penalty of 10*l*.

By stat. 9 Anne, c. 11. s. 16, 17, 19, 26, no parchment or vellum to be removed from the usual drying places, yards, &c. before it is stamped, and the duty charged, on forfeiture thereof, and penalty of 50*l*.

Fraudulently hiding or concealing parchment or vellum, incurs a penalty of 20*l*. and the goods so concealed are forfeited. S. 17.

Entries upon oath to be made within two days after taking goods out of the materials, and before removing them from the drying place, of the quantity and quality thereof, on penalty of 20*l*. S. 16, 17.

Makers, if required, are to make up and balance with the officers every three months, an account of the goods taken out of the ingredients, on penalty of 50*l*. S. 27.

Duties in London are payable within 14 days, and in the country within six weeks after the goods are stamped, on forfeiture of double duty. But makers are not obliged to go farther than the next market town to pay such duty, and are entitled to copies of officer's charges. S. 20, 23, 24, 25.

Makers obstructing officers in the execution of their duty, incur a penalty of 10*l*. S. 17.

SALT. By stat. 38 G. III. c. 89. s. 2 and 3, the duties on salt to be under the management of the commissioners of excise.

Sixty-five pounds avoirdupois shall be deemed a bushel of rock salt; and of every other kind or species of salt, not being rock salt, fifty-six pounds. S. 4.

All barrels, casks, &c. containing fish, beef, or pork, entitled to any bounty, are to be gauged by the English wine measures. S. 5.

Commissioners of excise may compound for the duty on salt. S. 7.

Rock salt may be made into white salt at places duly entered; penalty for refining such salt at unauthorized places, 100*l*. S. 15, 16.

Makers of salt, refiners of rock salt, and proprietors of salt mines or works, are to make entry in writing at the nearest office of excise, on penalty of 100*l*. and forfeiture of the salt made, and utensils for making it. S. 17.

Excise officers may at all times, on request, enter salt mines, &c. to take an account. S. 18.

Proprietors of salt mines are to provide a ware-house, in which all rock salt shall be stowed, and which shall be locked up by the excise officers. For not providing warehouses, &c. penalty 100*l*. S. 19.

Proprietors of salt mines are to give previous notice of their intention of taking out rock salt, &c. on penalty of 20*l*. S. 20, 21.

Makers of salt, &c. are to give previous notice of their intention to charge their pans, &c. on penalty of 20*l*. S. 23, 24.

Makers, &c. putting brine into the pan, &c. before the operation is finished, and without notice to the officer, incur a penalty of 50*l*. S. 25.

When an operation of salt is finished, and an account taken by the officer, makers are to remove such operation to the warehouse. For refusing, penalty 20*l*. S. 26, 27, 28.

For warehousing salt of which no account has been taken by the officer, penalty 100*l*. S. 30.

Salt, or rock salt, removed from a warehouse, except in the presence of an officer, is forfeited, with the carriages, &c. and the persons concerned incur a penalty of 100*l*. S. 34.

Salt, or rock salt, removed without a permit, or under a false description, is forfeited, with the ships, &c. and persons concerned in such removal incur a penalty of 100*l*. S. 35, 36.

Warehouses are to be approved of by the surveyor or supervisor of excise, and to be altered or repaired on his requisition; for neglect, or for entering a warehouse except in presence of the officer, penalty 20*l*.



201. Such surveyor or supervisor may provide and affix locks, &c. on warehouses, at the expence of the parties; for not paying for such locks, or injuring them, penalty 100*l*. S. 37, 38, 39.

Locks, &c. are to be altered and repaired by the owners, on requisition of a surveyor or supervisor, on penalty of 20*l*. S. 40.

Previous notice is to be given of intention to take salt out of a warehouse, and for what use; and an officer is to attend to take an account, which shall be a charge upon the maker. S. 41.

Excise officers, on request, are to give permits gratis for removing salt or rock salt from a warehouse. S. 42, 43.

A daily account is to be kept of salt, or rock salt, sold or delivered, and for what purposes: which account shall be returned every six weeks to the next excise office, and there verified on oath, on penalty of 100*l*. and within a week after such entry on oath, the duties are to be paid, on penalty of double the amount. S. 44, 45, 46.

Salt, materials, &c. in the custody of makers of salt, &c. are liable to be seized for duties and penalties. S. 47.

Rock salt removing to, or delivered on premises belonging to a salt refinery, or salt work, without a permit, is forfeited, with the ship, &c. and the persons concerned incur a penalty of 100*l*. S. 48, 49.

Scales and weights are to be kept at salt mines, &c. for the use of the excise officer: penalty for not providing them, or not suffering the officers to use them, or using false ones, &c. 100*l*. S. 50.

Makers of salt, &c. are to assist with their servants the excise officers in weighing salt, on penalty of 100*l*. S. 51.

If any person shall remove or conceal any salt to evade the duty, he shall forfeit 50*l*. and also the salt. S. 52.

To ascertain the quantity of salt, or rock salt, by the officer, not less than two bushels shall be weighed, except where the whole to be delivered shall be less. Allowance to be made for the turn of the scale in favour of the crown, at the rate of half a pound weight in every two bushels of such salt, or rock salt. S. 53.

Officers of the customs or excise may seize salt, or

rock-salt, found in any ship, waggon, &c. or concealed in any place, with the ship, &c. where they have reason to think it has been privately made, clandestinely imported, &c.: and if the party do not make it appear, that the duty has been paid, &c. the salt, &c. shall be forfeited; and persons concerned in unshipping, landing, removing, or in whose custody such salt or rock-salt shall be found, incur a penalty of 40*s*. for every pound weight so found. S. 54.

Salt, or rock-salt, hidden to evade the duties, is forfeited; and officers of the customs or excise, suspecting either to be hidden, on making oath thereof, may be authorized by the commissioners of excise, or a justice, to search for it; and the person or persons, in whose possession such salt, or rock-salt, hidden, shall be found, shall forfeit 40*s*. for every pound weight of such salt, or rock-salt, so lodged or concealed; or 100*l*. at the election of his majesty's attorney-general, or the party who shall sue for the same. Proof of the payment of the duties on salt, or rock-salt, seized, to lie on the owner. S. 55, 56.

If any person make oath, that salt intended to be removed was received into his custody with a permit, he shall be entitled to a permit to remove it coastwise. S. 57.

Every master of a vessel, conveying salt, or rock-salt, from one place in Great Britain to another, shall, before landing it, leave with the excise officer a permit for the same, and make oath, that he believes no other has been put on board. Such master, when required by an excise officer, shall cause the salt, or rock-salt, intended to be unshipped, to be weighed, and an account to be taken. For not complying with these restrictions, penalty 100*l*. S. 83, 84, 85.

A drawback of the duties to be allowed on British salt used in making oxygenated muriatic acid for bleaching linen. S. 89.

Officers of excise are not obliged to attend the mixture of the salt at bleaching grounds oftener than once in seven days, nor then unless they receive 48 hours previous notice; and if the bleacher shall not mix materials within half an hour after the officer attends, the notice shall be void. S. 90, 91.

Before any person shall receive salt duty free for curing fish, he shall make entry of his name, abode, and warehouse; and such warehouse shall be approved

proved of by the supervisor or surveyor of the district. S. 92, 93, 94. 39 G. III. c. 65. s. 5, 6, 8.

Before salt from any salt-work shall be delivered to any fish curer, he shall give notice to the officer of excise, to see it weighed and warehoused, who shall grant him a certificate, specifying the quantity, &c. S. 97, 98, 99.

For selling or giving away, or using for any other purpose, salt delivered duty-free for curing fish, penalty 40s. per pound. S. 100.

Persons by whom any permit or permits, granted in pursuance of this act, shall have been received, and in whose possession any such permit shall at any time be, shall, after their expiration, deliver them to the officer of excise on demand, on penalty of 50l. S. 101.

The treasury may authorize the commissioners of excise to permit foul salt to be sold for manuring land, in places where it has been so allowed. For selling foul salt for any other purpose than manuring land, or salt not foul for that purpose, penalty 100l. S. 106.

Glassmakers may take rock-salt from warehouses, or brine or sea-water for making mineral alkali, or flux for glass, upon bond that it shall be so used. S. 116.

No glassmaker shall receive rock-salt, &c. for making mineral alkali, or flux for glass, till an entry is made of his workhouses, &c. at the excise office of the district, on penalty of 100l. with forfeiture of the materials and utensils. S. 117, 119, 120, 121.

Officers of excise may enter workhouses, &c. of manufacturers of mineral alkali, or flux for glass; for refusing them entrance, penalty 50l. S. 122.

The duty is not to extend to Glauber's salt produced in making mineral alkali, or flux for glass, and expended in making the same. S. 123.

Persons taking false oaths respecting any thing in this act are liable to the penalties for corrupt perjury. S. 130.

Persons forging certificates, or debentures, are to be transported for seven years; and if they return before the expiration of the time, are to suffer as felons without benefit of clergy. S. 131, and 41 G. III. c. 91. s. 5.

For giving false permits, penalty 500l. S. 132.

For obstructing officers of the customs or excise, or for rescuing seizures, penalty 200l. S. 133.

For bribing, or attempting to bribe officers of customs or excise, to connive at any fraud against this act, penalty 500l. S. 134.

From October 10th, 1798, officers of excise may exercise such powers as were given to officers of the salt duties by acts in force before passing this act, and not hereby repealed or altered. S. 139.

All powers of 12 Car. II. to extend to this act. S. 142.

The lord mayor and aldermen of London, and the justices in general sessions, are to set the price of salt sold, and not intended for exportation. S. 143.

For selling salt at a higher than the fixed price, or refusing to sell at that price, penalty 20l.

One moiety of all penalties shall be paid to the use of the king, and the other moiety thereof to such person or persons as shall inform and prosecute for the same as aforesaid. S. 143, and 41 G. III. c. 91. s. 15.

*For a more particular detail of the regulations for the allowance of salt to fish curers, see Exports, Imports, Fisheries.*

**SNUFF DEALERS.** By stat. 29 G. III. c. 18. s. 155, are those who retail tobacco-stalks, stalk-flower, snuff-works, or snuff in quantities less than two pounds. Any dealer, however, may sell wholesale likewise.

Are to take out licences annually; for neglect, penalty 50l. S. 70, 72.

Dealers, three days before they begin to sell, are to make entries in writing, at the nearest office of excise, of all their shops, or other places for keeping or selling snuff, on penalty of 200l. and forfeiture of the goods. S. 59.

The words *dealers in snuff* to be painted in large legible characters over their outer doors, or in the fronts of their houses, &c. on penalty of 50l.

Dealers not having made entries at the excise office, and having the words *dealers in snuff* painted over their doors, &c. forfeit 100l. S. 63.

Officers to enter, and take accounts at all times, by day (or by night with a constable), for obstructing, penalty 200l. S. 97, 149.

Receiving goods without giving notice to the officer, and leaving with him an authentic permit for the same,

same, such goods are forfeited, and treble the value. S. 118.

Dealers receiving goods with a permit, may return the same within forty-eight hours after, upon giving twelve hours notice to the officer, specifying the cause of such return, and writing their own names, the names of the persons from whom received, and likewise the words *returned snuff*, on the packages; for returning goods without a permit, to forfeit the same, and 50*l.* penalty. S. 122.

Dealers having an increase in the weight of Scotch snuff (received by permit from the manufacturer), occasioned by the moisture of the air, and not exceeding 5*lb.* per cwt. are to be allowed credit for such increase; and the snuff so increased in weight, is to be kept separate from any other snuff, on penalty of 20*l.* S. 107, 108.

Having occasion to remove snuff from their entered premises, are entitled to permits to protect the same; and in their request notes for such permits are to specify the names of the persons to whom the goods are to be sent, the sorts, and number and weight of packages, and whether to be sent by land or water, and by what mode of conveyance. S. 111, 113.

By stat. 29 G. III. c. 68. s. 116, persons taking out a permit, and not sending away the goods, nor returning such permits, forfeit treble the value of the goods, and the goods also, if on taking stock there shall not appear a sufficient decrease to answer the permit.

Dealers or other persons counterfeiting, forging, &c. any permit, incur a penalty of 500*l.* S. 125.

Dealers are every day to enter in their books snuff sold in quantities of two pound or upwards, the gross weight of stalk-flower mixed with snuff, and of the several kinds of snuff mixed, and the times when mixed; for neglect, penalty 50*l.*

Are not to have more than one entry-book in their possession at a time. S. 105.

Are to leave their entry-book open for the inspection of the officer, and, on his request, to enter up the quantities sold each day; and also to return such books on oath in London every six weeks, and in the country every six months, or sooner, if filled up, on penalty of 100*l.* for refusal, neglect, or false entry.

Dealers having an increase in stock not legally accounted for, above what the officer found on the last preceding survey, such increase is to be deemed as

brought in without permit, and an equal quantity forfeited, and such dealers shall forfeit 20*l.* but five pounds per hundred weight is to be allowed to the first buyer of Scotch snuff, for increase by the moisture of air. S. 106, 107, 108.

Dealers offering to sale, or having in their entered premises any fustick, yellow ebony, touchwood, log-wood, or other wood, or any walnut, hop, or other leaves, or any earth, clay, or tobacco sand mixed with snuff, or snuff coloured with ochre, amber, or other colouring (except water tinged), forfeit 50*l.* and such snuff, wood leaves, &c. S. 93.

By stat. 30 G. III. c. 40. s. 29, all snuff removed from the entered premises to the mills to be ground, whether with or without a permit, is forfeited, together with the cattle, carriages, boats, &c. employed in removing the same.

Stalk-flour, ground at any mill, is not to be removed with or without a permit to any place to the premises of the manufacturers to whom the same was sent, nor in any quantity less than 200*lb.* or the whole quantity sent, on forfeiture thereof, with the cattle, carriages, &c. S. 114.

Two pounds and upwards of snuff and stalk-flour, or snuff-work exceeding 200*lbs.* found removing without a permit are forfeited, with the cattle, &c. S. 110.

By stat. 30 G. III. c. 68. s. 112, snuff not being received into the stock of the person to whom sent, within the time limited in the permit, to be considered as removing without a permit.

Being removed under colour of a permit, and seized, in cases of dispute or action, the proof of being the same as mentioned in such permit, to lie on the claimer, and be substantiated by the oaths of two credible and experienced persons. S. 113.

Snuff above two pounds, or any quantity of snuff-work, stalks, or stalk-flour, being found removing any hour, except between seven o'clock in the morning and five o'clock in the evening, from the 20th of September to the 25th of March, or between five o'clock in the morning and seven o'clock in the evening the other part of the year, except in a known stage-coach or waggon usually travelling, or in a ship or vessel lawfully navigated, out of those hours, is forfeited, whether with or without a permit, with the cattle, carriages, boats, &c. S. 123.

By

By stat. 30 G. III. c. 68. s. 119, 120, 122, snuff-work or stalk-flour, being removed from without to within the limits of the chief office, or from without the enumerated parts to within those parts, or within two miles thereof, with or without a permit, is forfeited, with the cattle, &c. but this does not extend to snuff-work, or stalk-flour returned from the mills to the manufacturer from whom sent, nor to snuff regularly returned, under the legal rules, to the persons from whom sent; and snuff may be sent for sale by the manufacturer to any parts of the kingdom.

Tobacco-stalk-flour or snuff may be seized on board ships within the limits of any port, or within four leagues of the coast, by officers of excise. S. 148.

Snuff and tobacco, taken together, exceeding 100 lb. or stalks, stalk-flour, or snuff-work found on board any ship or vessel at anchor, or hovering within four leagues of the coast (unless by distress of weather) are forfeited together with the vessel, tackle, &c. S. 12.

Tobacco-stalk-flour, or snuff, suspected to be fraudulently deposited or concealed, may by day (or by night with a constable) be searched for, and seized under a warrant from any two commissioners in London, or any one justice in the country; for obstructing, penalty 100l. S. 153.

Snuff-work, or stalk-flour, being offered for sale by any person not having a permit, or by any hawker, pedlar, &c. though with a permit, is forfeited, and may be seized by the party to whom offered, and the seller may be taken before a justice, to be committed and prosecuted for such offence; the party seizing to be rewarded as an officer. S. 124.

For rescuing after being seized, or endeavouring to do so, penalty 200l. S. 149.

By stat. 29 G. III. c. 68. s. 147, being seized by officers of the customs, notice thereof is to be given to the excise in twenty-four hours, or the seizers are not entitled to any reward. If seized by officers of the customs, and afterwards removed without an excise permit, the same may be re-seized either by officers of customs or excise.

When seized, and after condemnation, and before sold or destroyed, to be deposited in established warehouses, at the nearest of the parts enumerated above. S. 140.

Such seizures, when deposited in the established warehouses, are to be subject to the examination of the officers of the customs and excise. S. 142.

Such goods seized and condemned, and which cannot be sold (if foreign) for a sum equal to the duties, or (if British) for 1s. 5d. per pound, are to be burnt and destroyed. S. 140.

All snuff-work, stalks, and stalk-flour seized and condemned, are to be burnt and destroyed.

Snuff saved from any ship wrecked, stranded, or in distress, is to be lodged in the nearest warehouse. S. 58.

For assaulting or obstructing officers in the execution of their duty, penalty 200l. S. 149.

**SNUFF MANUFACTURERS.** Snuff manufacturers are those who manufacture or grind stalk-flour, snuff-work, or snuff. S. 155.

By stat. 29 G. III. c. 68. s. 64, 65, and 30 G. III. c. 40. s. 78, manufacturers are not allowed to set up at any place less than five miles from the sea coast, except in the enumerated parts, or within three miles thereof, or in cities or market towns; but the entry of any place used as a manufactory before the 5th July 1789, is not to be annulled.

By stat. 29 G. III. c. 68. s. 61, manufacturers within the limits of the head office are to occupy tenements of 10l. per annum, and pay the parish rates, and in the country are to pay to church and poor, otherwise their entries to be void.

Are to take out a licence annually; for neglect, penalty 200l.; but not to extend to Spanish cutters or snuff millers working in any entered places for licensed manufacturers. S. 70, 72, 76.

Manufacturers not selling in less quantity than two pound, are not required to take out a dealer's licence. S. 73.

Three days before they begin to work, manufacturers are to make entries in writing, at the nearest office of excise, of all warehouses, workhouses, shops, and other places for manufacturing, keeping, or selling snuff, &c. on penalty of 200l. and forfeiture of all tobacco, snuff, &c. found in any place not entered. S. 59.

Manufacturers, three days before they begin, are to make entries in writing, at the next office of excise, of



of every mill, press, engine, &c. they have, on penalty of 50l. S. 69.

The words *manufacturer of snuff* to be painted in large legible characters over the outer doors, or in the fronts of their houses, &c. on penalty of 50l. S. 62.

By stat. 29 G. III. c. 68. s. 63, not having made such entry at the excise office, and having the words *manufacturer of snuff* painted over their doors, incur a penalty of 100l.

Officers to enter and take account at all times, by day (or by night with a constable); for obstructing, penalty 200l. S. 97, 149.

Manufacturers receiving any kind of tobacco, snuff-work, or snuff, without giving notice to the officers, and leaving with them authentic permits for the same, forfeit the goods, and treble the value. S. 118.

Receiving goods with a permit, may return the same within 48 hours after, upon giving twelve hours notice to the officers, specifying the cause of such return, and writing their own names, and the names of the persons from whom received, and likewise the words *returned snuff* on the packages. S. 122.

Returning goods to the persons from whom the same were received, without a permit, or otherwise contrary to the statute, forfeit the same, and 50l.

Proper moveable casks for preparing or laying down snuff-work, or stalks for flour, to be provided by manufacturers, who are to mark the tare and progressive numbers thereon, and construct the casks so as the officers may examine and weigh the same; and are not to lay down snuff-work, except in casks or bins, on penalty of 50l. S. 86.

Before they begin to prepare to lay down snuff-work or stalks, are to give notice in writing, in London six hours, and in other places twenty-four hours; such notices to contain the weight of the tobacco, &c. and the numbers of the casks or bins preparing; without such notice, penalty 50l. S. 87, 95.

By stat. 29 G. III. c. 68. s. 87, 88, and 30 G. III. c. 40. s. 9, 10, 30, having given notice to prepare or lay down snuff-work, or stalk for flour, manufacturers are to weigh the tobacco, &c. in the presence of the officers, and thereupon deliver a declaration, specifying into what sorts of snuff the same is to be manufactured, and how much is for each sort, penalty of 50l.; but if such work be found unfit for the sort

or sorts declared, it may, on a fresh notice and declaration conformable to the regulations above, within forty-eight hours, be converted into another sort.

As soon as they have laid down snuff-work, or stalks, manufacturers are to give notice thereof to the proper officer, specifying the time when laid down; and in his presence are to fix a ticket to each cask, signed by themselves and the officer, expressing the number thereof, the weight of the materials, time when laid down, and for what sort of snuff, on penalty of 50l. S. 87.

By stat. 29 G. III. c. 68. s. 87, and 30 G. III. c. 40. s. 13, manufacturers are not to mix snuff-work or stalks of one making or laying down with snuff-work, &c. of another, on forfeiture of 50l. unless upon due notice; when in the presence of the officers, the whole of one parcel of snuff-work may be mixed with another, declarations of the weight laid down in each parcel, and the times when laid down, being in such case delivered.

Tobacco, tobacco stalks, flour, or returns to snuff-work, may be added once while laid down, or once immediately before, or in grinding, provided notice, as aforesaid, be given, specifying therein the numbers of the casks, &c. when laid down, when any increase was made, the weight, &c. into what sort of snuff the same is to be manufactured, and how much of each sort. S. 11, 12, 30.

By stat. 29 G. III. c. 68. s. 87, 95, and 30 G. III. c. 40. s. 10, manufacturers intending to take snuff-work or stalks out of any cask for grinding, are to give the aforesaid notice, and to specify in such notice the numbers of casks, and the sort of the snuff to be made; and also in the presence of the officers to weigh the snuff-work or stalks to be taken out; for neglect, penalty 50l.

By stat. 30 G. III. c. 40. s. 13, 30, upon the aforesaid notice being given, the officer may take manufactured snuff, not less than 200 lb. from any parcel in operation, in the presence of such officer, and deliver a declaration of the weight taken, the weight of the whole, and when put into operation; for taking without such notice, &c. penalty 50l.

By stat. 29 G. III. c. 68. s. 89, 90, and 30 G. III. c. 40. s. 10, upon having snuff-work or stalks out

of the casks, according to notice given, manufacturers are to proceed to make the same into snuff or stalk-flour, and as soon as finished, to deliver a declaration, specifying the weight of each sort, and keep the same separate 24 hours, or until weighed by the officer, on forfeiture of 50l.; but for Scotch snuff, deposited in locked-up rooms as soon as returned from the mills, an immediate declaration is not required.

By stat. 29 G. III. c. 68. s. 87, manufacturers leaving snuff-work or stalks in any cask, after weighing thereof to be ground, are to fix a ticket, signed by themselves and the officer, to the cask, specifying the quantity taken out, and the time when, on penalty of 50l.

By stat. 30 G. III. c. 40. s. 19, may manufacture Scotch snuff and stalk-flour into brown Scotch, and stalk-flour into rappee, under the rules and regulations for manufacturing snuff in general.

By stat. 29 G. III. c. 68. s. 115, and 30 G. III. c. 40. s. 27, may send stalks, snuff-work, or returns to any entered mills, to be there manufactured and dried.

By stat. 30 G. III. c. 40. s. 24, officers weighing snuff at the snuff-mills, the whole quantity is to be expressed in the permit, with regard to the weight, at the time of drying.

By stat. 29 G. III. c. 68. s. 91, 92, manufacturers are to provide rooms, being secure, having only one door each, and sufficient fastenings, for depositing dried Scotch snuff returned directly from the mills, and may lodge the same therein for six months, each making being separate; the rooms to be locked and sealed by the officer; for not keeping the same separate, penalty 50l. For artfully opening the rooms in the officer's absence, penalty 200l.

Manufacturers intending to have Scotch snuff, on its being returned from the mills, deposited in their locked-up rooms, are to give the aforesaid notice, and the snuff may remain in such rooms six months, without being deemed part of the stock. S. 91, 95.

Makers, desirous of taking Scotch snuff out of their locked-up rooms, are to give the aforesaid notice, and on taking out such snuff, to deliver declaration of the weight thereof, and of the tobacco, tobacco-stalks, and returns manufactured into the same, and times when laid down. S. 90, 95.

By stat. 29 G. III. c. 68. s. 98, and 30 G. III. c. 40. s. 20, manufacturers for every 100 lb. of tobacco manufactured, are to be allowed a credit of 115 lb. of rappee snuff; for every 100 lb. of tobacco and stalks, a credit of 85 lb. of Scotch snuff, or 120 lb. of brown Scotch snuff; and for every 100 lb. of stalks, a credit of 95 lb. of stalk-flour; for every 100 lb. of Scotch snuff manufactured with stalk-flour for brown Scotch snuff, a credit of 140 lb.; for every 100 lb. of stalk-flour manufactured with Scotch snuff for brown Scotch snuff, a credit of 133 lb.; for every 100 lb. of stalk-flour manufactured for or added to snuff-work for rappee, a credit of 128 lb.; and for every 100 lb. of stalk-flour manufactured for or added to snuff-work for brown Scotch snuff, a credit of 133 lb.

By stat. 30 G. III. c. 40. s. 15, 16, 17, 30, having given the usual notice to the officers, may liquor or damp snuff perfectly made (but not less than 200 lb.) to the full extent of the credits allowed by law, provided it be weighed and liquored in the presence of the officers.

By stat. 29 G. III. c. 68. s. 106, manufacturers are to keep snuff, for which any allowances have been made on account of liquoring, separate from all other snuff, and, on demand, are to declare when such allowances were made, and the amount thereof, on penalty of 20l. and are to keep Scotch snuff, on which any credit is given for increase by the moisture of the air, separate from other snuff, and must shew the same to the officer, and declare when the allowance was made, and the amount thereof, on forfeiture of 20l.

By stat. 29 G. III. c. 68. s. 98, and 30 G. III. c. 40. s. 21, having an increase of their stock above the legal credits, such increase is to be deemed brought in without permit, and is forfeited.

By stat. 29 G. III. c. 68. s. 121, may send snuff of their own manufacture for sale to any part of the kingdom.

Manufacturers having occasion to remove stalk-flour, snuff-work, or snuff from their entered premises, are entitled to permits. S. 111.

In their requests for permits, are to specify the names of the persons to whom the goods are to be sent, the sorts of snuff, and number and weight of the packages, whether to be sent by land or water, and

and by what mode of conveyance; if for permits to remove snuff-work to the mills, to express for what purposes sent, and if to be returned from the mills, to specify when received, &c. S. 113.

Manufacturers, unless they are also licensed dealers, not entitled to permits for less than two pound, nor are they to send out a less quantity, on penalty of 2*ol.* S. 117.

By stat. 30 G. III. c. 40. s. 26, manufacturers without the limits of the chief office, or the enumerated ports, may send, by permit, tobacco-stalks, stripped from the leaf on their entered premises, to any places within those limits, provided they have no other tobacco-stalks in their custody at the time.

By stat. 29 G. III. c. 68. s. 116, manufacturers, taking out permits, and not sending away the goods, nor returning the permits within the time limited for removing them out of their stock, forfeit the value of the goods, and the goods also, if on taking their stock there shall not appear a sufficient decrease to answer such permits.

Any person counterfeiting or forging, or fraudulently altering or erasing any permit, or knowingly receiving, publishing, or using any counterfeited, forged, false, untrue, altered, or erased permit, incurs a penalty of 5*ool.* S. 125.

Manufacturers are to enter every day in one book all tobacco-stalks, stalk-flour, snuff-work, and snuff, according to the several denominations, sold or consumed the preceding day, in quantities of two pound or upwards; and if they be also licensed dealers, they are to enter in one other book all sold in quantities under two pound, on penalty of 1*ool.* S. 104, 105.

Are every day to enter in their book for snuff sold in quantities of two pound or upwards the gross weight of stalk-flour-mixed with snuff, and of the several kinds of snuffs mixed, and the times when, for neglect, penalty 5*ol.* Are not to have more than one entry-book of each sort in their possession at any one time. S. 94, 105.

By stat. 29 G. III. c. 68. s. 105, are to leave their entry-books open for the inspection of the officer, and on his request are to enter up the quantities sold each day, and also to return such books on oath, in London every six weeks, and in the country every six months, or sooner, if filled up, on forfeiture of 1*col.* for refusal, neglect, or false entry.

Manufacturers having tobacco-stalks or snuff-work in operation, officers are not authorized to weigh the same in that state, except snuff-work intended to be sent out, or such as is received by permit. S. 101.

Having an increase in stock not legally accounted for above what the officer found on the last preceding survey, such increase is to be deemed brought in without a permit, and an equal quantity forfeited, and the manufacturer incurs a penalty of 2*cl.* But 5*lb.* per cent. is to be allowed for increase in Scotch snuff by moisture. S. 106, 107, 108.

For removing tobacco or snuff out of their entered premises before being weighed by the officer, or concealing the same, penalty 5*ol.* S. 109.

Manufacturers or dealers mixing fustic, yellow ebony, touchwood, logwood, or any other wood, walnut, hop, or other leaves, or any earth, clay, or tobacco sand, with snuff-work or snuff, incur a penalty of 2*ool.* S. 93.

Manufacturers or dealers colouring snuff-work or snuff with ochre, amber, or other colouring (except water tinged with colour), incur a penalty of 2*ool.*

Manufacturers offering to sale, or having in their entered premises, any fustic, yellow ebony, touchwood, logwood, or other wood, or any walnut, hop, or other leaves, or any earth, clay, or tobacco sand, mixed with snuff, or any snuff coloured with ochre, amber, or other colouring (except water tinged), forfeit 5*ol.* together with the snuff, wood, leaves, &c.

By stat. 29 G. III. c. 68. s. 103, must permit officers to take a sample of unmanufactured tobacco-stalks, snuff-work, snuff, &c. on paying the usual price, if demanded; for obstructing the officer, penalty 1*ool.*

Persons found assisting in private manufactories may be arrested by officers of excise, and taken before any one justice, who, on the oath of one witness, or confession, may convict the parties in the penalty of 3*cl.* and in default of payment commit them for six months; for the second offence the fine is 6*ol.* or in default of payment one year's imprisonment. S. 96.

By stat. 29 G. III. c. 68. s. 155, and 30 G. III. c. 40. s. 22, sand sifted from smalls is deemed tobacco sand; stalk stripped from the leaves are deemed stalks; stalk laid down for stalk flour are deemed

stalks for flour; and returns of snuff are deemed returns.

**SOAP MANUFACTURERS.** By stat. 17 G. III. c. 52. s. 1, makers thereof, within the limits of the head office of excise, are to occupy tenements of 10l. per annum, and pay parish rates, and in the country to pay to church and poor, otherwise their entries to be void.

By stat. 24 G. III. c. 41, are to take out licences annually, on penalty of 20l. S. 1, 6.

By stat. 10 Anne, c. 19. s. 6, 19, are not to use any warehouses, or other places, nor to erect or alter any coppers, furnaces, or other utensils for making or keeping soap, without first giving notice thereof in writing, and of their names, at the nearest office of excise, on penalty of 50l. and forfeiture of the soap and materials.

By stat. 24 G. III. c. 48. s. 7, 10, are to permit officers by day or night without constables, to enter and take accounts; for obstructing, penalty 50l.

By stat. 17 G. III. c. 52. s. 9, when any coppers, utensils, or furnace doors, are secured, are to permit supervisors, or other superior officers, between five and eleven o'clock, to enter, open, and examine the same; for obstructing, penalty 100l.

By stat. 5 G. III. c. 43. s. 17, are to give notice in writing, at the nearest office of excise, of all frames for cleansing, and are not to make use of any frames till marked and numbered by the direction of supervisors and surveyors, on penalty of 20l.

By stat. 17 G. III. c. 52. s. 10, 13, are not to have any under-ground or private pipes by which soap or materials may be conveyed from the coppers or other utensils, on penalty of 200l.; but may use pipes above ground, and open to view, for conveying soap from the coppers to the entered frames.

By stat. 24 G. III. c. 48. s. 8, are not to have any pipes or other conveyances to or from any coppers or pans, except one moveable pump for taking out spent lees; and such pumps are to be taken out of the coppers or pans before they are locked down, on penalty of 500l.

By stat. 17 G. III. c. 52. s. 14, makers moving holes in any coppers or boiling utensils, not before known, unless proved to be by accident since the officer's last survey, are liable to the penalties for concealment.

By stat. 24 G. III. c. 48. s. 8, are not to have any cocks or holes in the curbs, the bottoms, or covers of their coppers (except holes of one-eighth of an inch diameter in the cover), nor any part of the curbs moveable, on penalty of 500l.

By stat. 5 G. III. c. 43. s. 15, 28 G. III. c. 37. s. 13, and 32 G. III. c. 21. s. 1, makers of soap of any kind whatever, are at their own expence to provide sufficient covers to their coppers, pans, and other utensils, and to permit the officers to lock and seal the same as soon as the fire is drawn, when any thing of a soapy quality is left therein.

Makers presuming to make before they have provided sufficient covers, &c. or refusing to pay for locks and keys, or artfully opening such utensils, or wilfully damaging the locks or seals, incur a penalty of 20l.

By stat. 17 G. III. c. 52. s. 67, and 32 G. III. c. 21. s. 1, are to pay for cocks, &c. for the furnace doors of their coppers, &c. and to permit the officers to lock and secure the same as soon as the fire is drawn, on penalty of 50l.

By stat. 24 G. III. c. 48. s. 9, 32 G. III. c. 21. s. 1, and 12 G. III. c. 46. s. 7, are to pay for locks, fastenings, &c. for their furnaces and ash-hole doors, and are to permit the officers to lock and secure the same at all times, except when at work, or opening for repairing, or for the inspection of an officer; for artfully opening any copper, &c. or wilfully breaking or damaging the locks or seals, penalty 100l.

By stat. 24 G. III. c. 48. s. 12, makers are to give 12 hours notice in writing, in London, and in the country 24 hours, before they begin to charge their coppers with materials for making soap, on penalty of 100l.

By stat. 10 Anne, c. 19. s. 7, are not to charge their coppers or pans, nor to fill out soap from the same, between ten o'clock at night and five in the morning, without notice to the officers, on penalty of 20l.

By stat. 24 G. III. c. 48. s. 9, 32 G. III. c. 21. s. 1, and 28 G. III. c. 37. s. 13, soap manufacturers desirous of lighting a fire under their coppers, opening their furnace and ash-hole doors, &c. are to give 12 hours notice in London, and 24 in the country, on penalty of 20l.

By stat. 27 G. III. c. 31. s. 19, makers are to weigh their



their materials before they put them into the coppers, and then put them into the coppers on request of the officers, under penalty, if they refuse, of 5*l*.

By stat. 10 Anne, c. 19. s. 14, 15, and 24 G. III. c. 48. s. 10, 11, are to permit officers to take accounts of oil, tallow, ashes, or other materials, either by gauging, weighing, or otherwise; for obstructing, penalty 5*l*.

By stat. 24 G. III. c. 48, not giving satisfactory accounts of materials missing, are chargeable in proportion of 20 cwt. of hard soap for every 14 cwt. or 210 gallons of oil for every 13 cwt. of rendered tallow, or for every 13 cwt. and 2 qrs. of kitchen stuff, and in proportion of 20 cwt. of yellow, brown, or resin soap, for every 14 cwt. of tallow, resin, or oil. S. 11.

Makers producing in the frames a less quantity than in proportion of 20 cwt. of hard soap for every 14 cwt. of oil, or 13 cwt. of rendered tallow, or 13 cwt. 2 qrs. of kitchen stuff, or less than 20 cwt. of yellow, brown, or resin soap, for every 14 cwt. of tallow, resin, or oil, put into the coppers, are to be charged according to such proportions; but eight pounds of rough fat are to be deemed equal to seven pounds of tallow, and five pounds of rough kitchen grease to four pounds of clean grease. S. 13.

Are not to use any siphon, crane, or trinket, but to take the ingredients out of their coppers by pumps or ladles only, on penalty of 5*l*. S. 8.

By stat. 10 Anne, c. 19. s. 8, and c. 26. s. 111, are to put their soap into barrels, half barrels, firkins, and half firkins, containing 256, 128, 64, and 32 pounds respectively, on penalty of 5*l*. but this does not extend to hard or ball soap.

By stat. 12 Anne, c. 9. s. 19, for filling the same into casks less than barrels, half barrels, firkins, or half firkins, forfeit the same, and a penalty of 5*l*.

By stat. 5 G. III. c. 43, makers of hard soap are to use square or oblong frames for cleansing, which are not to exceed 45 inches in length nor 15 in breadth; and the bottoms, sides, and ends of the frames are to be of the thickness of two inches at least, on penalty of 2*l*. S. 17.

Makers are to be allowed the duty for hard soap, whether stale, rotten, or otherwise, put into the coppers to be refreshed. S. 14.

Are not to be allowed to return hard soap into the coppers after being framed, without being again charged with the duty. S. 18.

Are to be allowed one pound to every 10 pounds of hard soap, as a compensation for all waste, loss, or damage. S. 14.

By stat. 17 G. III. c. 52. s. 14, are perfectly to cleanse their coppers, or other boiling utensils, once in every lunar month, and to give the officers three days notice thereof, that they may attend and examine the same; for neglecting or obstructing, penalty 5*l*.

By stat. 10 Anne, c. 19. s. 17, are to keep soap, of which account has been taken, separate from soap of which no account has been taken, on penalty of 5*l*.

By stat. 1 G. I. c. 36. s. 14, for fraudulently concealing soap or materials, penalty 5*l*. with forfeiture of the materials or soap concealed.

By stat. 10 Anne, c. 19. s. 16, for removing or sending away soap before account of it is taken by the officer, without 24 hours notice in London, and two days in the country, penalty 2*l*.

By stat. 26 G. III. c. 77. s. 10, 11, makers or others knowingly buying, receiving, or having soap in custody, removed from the places where the same was made before the duty was charged (except condemned soap), forfeit treble the value and the soap.

By stat. 24 G. III. c. 48. and 28 G. III. c. 37. s. 14, makers are not to sell hard soap but in the shape of cakes or bars, or what is called ball soap; and are to return scrapes and parings into the coppers, in the presence of the officers, as soon as the soap of each boiling is cut out, on penalty of 1*l*.

Scrapes or parings sold, sent out, or found removing or removed, are forfeited, and the maker sending them out forfeits 1*l*.

By stat. 17 G. III. c. 52. s. 11, 12, makers are to permit officers in the day time, on request, and by night with a constable, to break ground or partitions in soap houses, or premises adjoining, to search for and follow private pipes or conveyances, and on not succeeding, such officers are to make satisfaction according to the judgment of two of the nearest justices: for obstructing, penalty 1*l*.

By stat. 10 Anne, c. 19, makers keeping soap, oil, tallow, or other materials, in any private workhouse,

&c. of which no entry has been made, or notice given, forfeit the same, together with all private coppers, and other utensils there found. S. 19.

Makers are entitled to a copy of the officer's returns. S. 12.

By stat. 17 G. III. c. 52, makers, or their chief workmen, are weekly to make entries in writing, and on oath, of all soap made by them, specifying the quantity made at each boiling; on penalty of 5s.

But they are not obliged to go farther than the next market town to make entries. S. 35.

Makers are to pay the duty, both in London and in the country, within one week after entry is made, on penalty of double duty. S. 4.

By stat. 17 G. III. c. 19, s. 20, and 28 G. III. c. 37, s. 21, materials and utensils in the custody of soap makers, or of other persons in trust for them, are liable for duties and penalties.

By stat. 5 G. III. c. 43, soap suspected to be privately making, or fraudulently lodged or concealed, may, by day (or by night with a constable) be searched for and seized, under a warrant from one commissioner or one justice.

Found privately making, or fraudulently lodged or concealed, and seized under the authority of a search warrant, subjects the party in whose custody found to the penalty of 100l. unless it shall be made appear that the duty has been paid.

Summonses directed to clandestine makers thereof by their right or assumed names, and left at the place where the discovery is made, shall be sufficient. S. 19; 20.

By stat. 23 G. II. c. 21, s. 33, when soap is seized as being unlawfully imported, reloaded, or clandestinely made, and not claimed in 20 days; if in London, notice of the time of hearing, signed by the solicitor, is to be fixed up at the Royal Exchange; if in the country, such notice to be proclaimed at the next market town on the next market day after the expiration of the 20 days.

Soap carried coastwise without regular cocquets, is forfeited, and may be seized by officers of excise. S. 29.

By 10 and 12 of Anne, and 23 G. III. c. 77, soap, whether hard or ball, consumed in Great Britain, in

making any cloths, serges, kerseys, bays, stockings, or other manufactures in and of sheep's or lamb's wool only, or in manufactures whereof the greatest part of the value of the materials shall be wool, or in finishing the said manufactures, or preparing the wool for the same, an allowance of 1½d. per pound is to be made; for soft soap consumed as aforesaid in the same manufactures, 1½d. per pound; for hard or ball soap consumed, &c. in whitening new linen or cotton in the piece for sale, 1s. per pound; and for soft soap consumed in finishing flax or cotton for sale, ¾d. per pound.

By stat. 23 G. III. c. 77, s. 5, 27, no manufacturers of cotton or linen are entitled to the allowances out of the duty on soap, unless they enter their names and abodes with the collectors of excise one year before they make any claim: they are to keep a book, and enter therein the quantity used each week, which book is to lie open to the officers of excise, and be returned to the collectors annually, on oath of the manufacturers, or their chief workman: for taking a false oath or affirmation, penalty treble the value of the allowance, and the second offence is corrupt perjury.

By stat. 12 Anne, c. 9, s. 17, and 23 G. III. c. 77, s. 6, fees to be taken for paying the allowances of duty, or administering the oaths in respect to manufactures from flax and cotton, are not to exceed 6d. and for woollen and whitening new linen 4d.; on forfeiture of treble damages.

SPIRITS, BRANDY DEALERS, &c. By stat. 24 G. III. c. 41, s. 1, 6, 7, and 28 G. III. c. 68, s. 7, wholesale dealers in spirits are those who sell spirituous liquors in quantities of two gallons or upwards. Such dealers not being retailers, rectifiers, or distillers, are to take out licences annually, on penalty of 100l.

By stat. 6 G. I. c. 21, s. 11, 12, dealers must make entry in writing at the nearest office of excise of all their warehouses, shops, cellars, or other places for keeping brandy, or other spirits, on forfeiture of the spirits, and penalty of 20l.

By stat. 23 G. III. c. 70, a dealer in foreign spirits cannot make entry of any room, &c. within the house in which the entry of any other such dealer is existing, unless he be a partner of the said dealer. S. 2.

Dealers

Dealers in foreign spirits in London not being retailers, are to occupy a tenement of 12l. per annum, and pay to parish rates; in the country, must pay to church and poor, otherwise their entry is void. S. 1.

By stat. 19 G. III. c. 69, every dealer in foreign spirits must cause the words *dealer in foreign spirituous liquors*, and every importer thereof for sale must cause the words *importer of foreign spirituous liquors*, to be painted over his outer door, or in front of his house, shop, &c. on penalty of 50l. S. 18.

Any dealer in or importer thereof for sale, or other, not having made due entry at the excise office, having the words *dealer in or importer of foreign spirituous liquors* painted over his door, &c. incurs a penalty of 50l. S. 21.

A dealer in or importer thereof for sale, buying of any person other than an importer or dealer, having the words *importer of or dealer in foreign spirituous liquors* painted over his door, or in the front of his house, forfeits 100l.; unless purchased on shipboard, or on the quays, or at salvage sales, or rum in the bonded warehouse, or arrack in the India Company's warehouses. S. 19, 20.

Foreign spirits bought by any person, not being an importer or dealer, of any person not having the words *importer of or dealer in foreign spirituous liquors* painted over his door, &c. subjects the buyer to the penalty of 10l.; and the seller, within 20 days, and before information laid, discovering the buyer, exonerates himself of such penalty. S. 22.

By stat. 26 G. III. c. 73. s. 35, dealers having different entered warehouses for spirits, not under the same roof, or which shall be separated by the intervention of land or buildings, such warehouses may be taken as distinct stocks.

By stat. 8 G. I. c. 18. s. 11, dealers are to keep foreign spirits in separate places from British, on forfeiture of 10s. for every gallon of the latter.

By stat. 6 G. I. c. 21. s. 14, dealers are to permit the officer to enter, by day (and by night with a constable), and to take account by tasting, gauging, or otherwise; for obstructing, penalty 50l.

By stat. 26 G. III. c. 73, dealers in British spirits (not being rectifiers or compounders) are to permit the officer to take account of their raw unrectified

spirits once in three months, or oftener, if occasion require, or if directed by a superior; for obstructing, penalty 200l. S. 27, 71.

Dealers are to permit the officer to take a sample, not exceeding four gallons, of any foreign or British spirits, paying for the former 13s. and for the latter 7s. a gallon; for obstructing, penalty 100l. S. 36.

Dealers are not to use any standing or fixed cask for British brandy, compounds, or other spirits, until entered at the proper office of excise, and gauged and inchd to the satisfaction of the officer, on forfeiture of the cask and liquor, and penalty of 100l. S. 38.

Dealers in British spirits must paint or cut on some conspicuous part of every moveable cask, used by them for sending out or keeping British brandy, compounds, or other spirits, the full measure in gallons; on penalty of 50l. S. 38.

Dealers in British spirits must, on twelve hours notice in writing from the officer of his intention to take stock, fill up all their moveable casks of British spirituous liquors, leaving only one ullage of each sort; and must set apart, and keep separate, for six hours after the expiration of the 12 hours, one sort of such liquor from another; on penalty of 100l. S. 39.

Dealers are not to receive British brandy, rectified British spirits, British compounds, or spirits of wine, except between the hours of five in the morning and seven in the evening in summer, and between seven in the morning and six in the evening in winter, on forfeiture of the goods, and penalty of 50l. S. 46.

Dealers, receiving rectified or compounded spirits legally brought from Scotland, must, within 24 hours, give notice thereof to the officer, who must attend and see the same reduced to the legal strength; if the trader refuse, on request, to reduce the spirits, he forfeits the same. S. 40.

A dealer (not being a rectifier) must not have in his custody any British spirits (other than raw or unrectified spirits, or spirits of wine, received by lawful permit), or any British or foreign spirits mixed, exceeding the strength of one in eight under hydrometer proof, on forfeiture thereof. S. 34.

By stat. 8 G. I. c. 12. s. 18, dealers having an increase of foreign spirits without permit, unless made

by mixing British in sight of the officer, forfeit the increase, with casks, &c.

By stat. 21 G. III. c. 50. s. 29, dealers having an increase in their stock, over and above what the officer found on the last preceding survey, such increase is to be deemed as brought in without permits or certificates, and an equal quantity is to be forfeited, with the penalty of 20*l*.

By stat. 26 G. III. c. 73, dealers in British spirits (not being rectifiers or compounders) having an increase in stock of raw or unrectified spirits (the stock being settled and cast at one to ten over hydrometer proof), forfeit the increase, and 50*l*. S. 27.

Dealers are not to sell or send out British spirits mixed with foreign, in any greater quantity than four gallons, on forfeiture of 50*l*. S. 57.

Dealers must not sell or send out, nor have in their custody, any foreign spirits, of a lower strength than one in six under hydrometer proof; nor keep any British and foreign spirits mixed of a lower strength, except shrub, or cherry or raspberry brandy; on forfeiture of such liquors. S. 31.

Dealers in British rectified spirits may sell and send out spirits of wine, of a higher strength than one in eight under hydrometer proof, so as not more than 120 gallons be sent to one person on the same day. S. 32.

By stat. 6 G. I. c. 21. s. 16, a dealer is entitled, on request, to a permit, to accompany the removal of any quantity of brandy, or other spirits, sold in his entered premises.

By stat. 23 G. III. c. 70, a dealer is entitled, on request, to a permit for more than one cask or package of the same kind of foreign spirits, under 60 gallons, to be sent to one person at a time; but different permits may be granted them for sending casks of the same kind of foreign spirits to any one person, by different conveyances, and at different times, though in the same day; and any number of casks of 60 gallons, or upwards, may be sent by the same conveyance, to the same person, by one permit; if more than one cask or package, under 60 gallons, be found removed or removing by one conveyance to one and the same person, the liquor is forfeited, with the vessels containing it, and ships, boats, carriages, horses, or other cattle employed in removing it. S. 3, 4, 5.

Dealers in their request-notes for permits for the removal of foreign spirits, must specify the kind of liquor, contents of the cask, and whether to be sent by land or water, and by what mode of conveyance. S. 7.

By stat. 26 G. III. c. 73, dealers demanding a permit, must specify in the request-note their trades or callings, and the quantity of spirits, distinguishing British brandy, rectified British spirits, raw British spirits, spirits of wine, or British compounds; and if raw spirits, whether made from corn, mellasses, or other materials; the mode of conveyance, and whether by land or water; to which the permit must correspond in all respects. S. 40, 41, 42.

A dealer sending British spirits, whether raw, rectified, or compounded, to a buyer, without a permit, forfeits the spirits to the buyer, over and above double the value; but such forfeitures are not incurred, if the seller, on the trial of the cause, prove that a permit was actually obtained, and that there was a suitable decrease in his stock. S. 42, 43.

By stat. 21 G. III. c. 55. s. 27, dealers taking out a permit, and not sending away the goods, nor returning the permit within the time of its limitation, forfeit treble the value of the goods, and the goods also, if, on taking stock, there shall not appear a sufficient decrease to answer such permit.

By stat. 26 G. III. c. 73. s. 45, dealers being convicted before the commissioners or justices of knowingly, wilfully, and fraudulently making spirits, or of having British or foreign spirits in their custody, without having received a legal permit therewith (the fact of knowingly and wilfully being set forth in the record of conviction), over and above other penalties, their entries and licences become void, and no fresh licence is to be granted them for a month.

By stat. 29 G. III. c. 70. s. 10, dealers or others counterfeiting or forging, or fraudulently altering or erasing, any permit; or knowingly receiving, publishing, or using any counterfeited, forged, false, untrue, altered, or erased permit, incur a penalty of 50*l*.

By stat. 6 G. I. c. 21. s. 18, any person having in his custody above 63 gallons of spirits is deemed a dealer therein, and subject to the survey of excise officers.



By stat. 11 G. I. c. 30. s. 4, and 17 G. II. c. 17. s. 18, a brandy dealer having in his custody above six pounds of coffee, tea, cocoa nuts, or chocolate, is deemed a seller of these commodities, and thereby his licence to retail spirits is void.

By stat. 28 G. III. c. 46. s. 78, dealers obstructing an officer in the execution of his duty, incur a penalty of 20*l*. (See also *Spirituous Liquors*.)

**SPIRITUOUS LIQUORS.** By stat. 41 G. III. c. 97. s. 8, all spirits to be deemed of the degree of strength denoted by Clarke's hydrometer.

By stat. 8 G. I. c. 18. s. 24, either foreign or British spirits, being forfeited by any law whatever, may be seized by any officer of the customs or excise, or by any person deputed by warrant from the Treasury, or by special commission from his majesty under the great seal, but by no other person whatsoever.

By stat. 24 G. III. c. 47. s. 1, 3, spirits in casks of less than 60 gallons (except two gallons for each seaman) found on board any ship or vessel at anchor, or hovering within four leagues of the coast (unless by distress of weather) are forfeited, and also treble their value.

By stat. 19 G. III. c. 69. s. 5, spirits being unshipped or unshipping to be laid on land, the persons assisting therein may be arrested by any officer of customs or excise, and taken before a justice, who may commit the offenders to gaol, to be tried at the next general quarter sessions. S. 8.

Persons assaulting, molesting, or obstructing officers in seizing spirits, or rescuing, staving, destroying, or damaging the spirits or the package after seized, may be arrested, taken before a justice, and committed for trial at the next general quarter sessions. S. 10.

By stat. 6 G. I. c. 21. s. 17, and 8 G. I. c. 18. s. 13, spirits of any kind, exceeding one gallon, removing by land or water without permit, are forfeited, with the casks and vessels whatever containing the same: such spirits, though less than a gallon, found in the custody of a retailer of spirits without permit, are forfeited, together with the cask or vessel containing the same.

By stat. 23 G. III. c. 70. s. 15, British made spirituous liquors removing from one part of this kingdom to any other part thereof without a permit, sub-

ject the horses, cattle, carriages, and boats employed in conveying the same, to forfeiture, as well as the goods.

By stat. 6 G. I. c. 21. s. 19, 20, foreign or British spirits, under 63 gallons, seized for unlawful importation, may be proceeded against summarily; and if seized and not claimed in 20 days, if in London, notice of the day and time of hearing, signed by the solicitor, must be fixed up at the Royal Exchange; if in the country, notice must be proclaimed at the next market town, or on the next market day after the expiration of the 20 days. S. 21.

By stat. 26 G. III. c. 73. s. 57, British spirits mixed with foreign are not to be sold or sent out in any greater quantity than four gallons at a time, on penalty of 50*l*. N. B. For the rules by which the several sorts of British spirits are to be distinguished, see *Rectifiers*.

By stat. 9 G. II. c. 35. s. 20, and 11 G. II. c. 26. s. 4, 5, spirits offered for sale, either by land or water, by any person not having a permit, or by any hawker, pedlar, &c. though with a permit, are forfeited, and may be seized by the party to whom offered, who may also detain such hawkers till notice can be given to a constable, who must carry them before a justice.

By stat. 23 G. III. c. 70. s. 6, foreign spirits (unless in casks of 60 gallons or upwards) found removing at any hour, except between seven in the morning and five in the evening in winter, or between five o'clock in the morning and seven in the evening in summer, unless in a known stage or waggon usually travelling in the night, are forfeited, whether with or without permit, together with the cattle, carriages, &c.

By stat. 21 G. III. c. 55, permits for the removal thereof must express the time they are to be in force, as well for removing out of the stock of the person from whom, as delivering into the stock of the person to whom sent. S. 27.

Spirits not being received into the stock of the person to whom sent, within the time limited in the permit, are to be considered as removed without permit; but on proof of unavoidable delay, the court before which the matter is brought may restore the goods. S. 27, 28.

By stat. 26 G. III. c. 73. s. 40, 41, 44, when raw  
S s  
British

British spirits are removed by permit, the permit must express whether the person from whom sent be a dealer, or maker, or rectifier, or maker and rectifier, or maker and dealer.

Raw British spirits are not to be removed by a distiller or rectifier in casks of less contents than 100 gallons, on forfeiture thereof and 50*l*. S. 46.

By stat. 11 G. I. c. 11. s. 2, spirits suspected to be concealed, may by day (or by night with a constable) be searched for and seized under a warrant from two commissioners in London, or one justice in the country; for obstructing, penalty 100*l*.

By 24 G. III. c. 40. s. 15, spirits carried into any gaol, prison, or workhouse, are to be seized and staved, and the offender carrying the same is liable to a penalty of not less than 10*l*. nor more than 20*l*., which must be immediately paid, or in default of payment to suffer three months imprisonment.

Spirits found in any room, cellar, or any other place entered by a wholesale dealer in foreign wine, for keeping or selling that article, are to be deemed foreign spirits. S. 29.

Spirits are to be kept separate and apart from wine by retailers of wine, on forfeiture of 10*s*. per gallon, and the wine and liquors not kept so separate.

By s. 12 of the above act, no debt contracted for spirits, unless to the amount of 20*s*. at one time, is recoverable at law.

It will readily appear, from the strictness and tendency of many of these regulations, that the perpetual outcry against the extension of the laws of excise had some appearance of foundation. The servants of the revenue are certainly armed with powers, which, if improperly applied, might be injurious to general liberty; but because they might be injurious, it does not follow that they are or will be so. No error can be greater than to assume as a principle, that where there is the power to do harm, harm will ensue. In the first place, it is to be considered that revenue, not oppression, is the end in view. In the second, that whenever a vexatious or oppressive intention is manifested, wherever search is made without grounds, redress has been fully given by the legislature, and with great facility it may be obtained. It may added, that experience proves that since the revolution,

when the general basis of liberty was fairly fixed, there has been very little reason to complain of attempts to molest individuals. The jealousy of power in a free nation is natural, and to a certain degree right, but it may be carried too far, as it creates unnecessary jealousy. The reader will remark with pleasure, no doubt, that the excise laws principally extend to articles, the consumption of which, independent of all view to revenue, it would be wise and proper to restrain. This is in particular the case with spirituous liquors, the consumption of which, to any degree of excess, ruins both the mind and body of the lower classes of society.

**SPIRITS, BRANDY RETAILERS.** By stat. 16 G. II. c. 8. s. 12, and 17 G. II. c. 17. s. 19, retailers of spirits are those who sell spirituous liquors to be drunk in their houses, shops, &c. or who send spirits out in less quantities than two gallons.—N.B. A retailer's licence authorizes him to sell by wholesale likewise.

By stat. 24 G. II. c. 40. s. 8, retailers in London are to occupy a tenement of 1*cl*. a year, and pay to parish rates; in the country, are to pay to church and poor.

By stat. 26 G. II. c. 13. s. 10, retailers, in any part of London where there are no parish rates, are to occupy a tenement of 12*l*. per annum.

By stat. 29 G. II. c. 12. s. 22, retailers are to be previously licenced by the justice as alehouse-keepers, and the justice's licence must be produced before the excise licence is granted.

By stat. 16 G. II. c. 8. s. 10, and 9 G. II. c. 23. s. 10, retailers thereof must keep a tavern, victualling house, inn, coffee-house, or alehouse; and must exercise no other trade than the above, or that of keeping a brandy shop, or wine vault.

By stat. 17 G. II. c. 17. s. 81, a retailer being a grocer, or chandler, forfeits his licence, and 1*cl*.

By stat. 24 G. II. c. 40. s. 3, retailers are not to exercise the trade of a distiller, on forfeiture of their licences.

By stat. 26 G. III. c. 73. s. 54, retailers are not to be the proprietors of, nor have any share in a distillery, or rectifying house, on forfeiture of 200*l*.

By stat. 30 G. III. c. 38. s. 6, 9, and 13 G. III. c. 56. s. 4, retailers are to take out, and pay duty for,

an excise licence annually, which licence is to terminate on the 10th of October in each year; for neglect, penalty 50l.; but it may be mitigated to any sum not under 5l.

By stat. 13 G. III. c. 54, retailers taking out licences, if it be between the 5th of April and the 10th of October, to be charged only a ratable proportion of the duty. S. 8.

On retailers dying or removing, their executor, administrator, wife, child, or assignee, may, by authority of the commissioners of excise in London, or of the collectors and supervisors in the country, carry on the business for the unexpired term of the licence. *Ibid.*

By stat. 26 G. III. c. 73. s. 45, retailers void their licences, if they be convicted of knowingly, wilfully, and fraudulently making spirits, or of having foreign or British spirits in their custody without having received a legal permit therewith.

By stat. 26 G. II. c. 31. s. 11, retailers disabled by conviction from selling beer, are disabled from selling spirits.

By stat. 6 G. I. c. 21. s. 11, and 9 G. II. c. 23. s. 6, retailers are to make entries in writing at the nearest office of excise, of all their warehouses, shops, cellars, and other places for keeping spirits, on forfeiture of the spirits otherwise kept, and 20l.

By stat. 19 G. II. c. 69. s. 18, retailers are to cause the words *dealers in foreign spirituous liquors* to be painted over their doors, or in the front of their houses, on penalty of 50l.

By stat. 9 G. III. c. 23. s. 9, officers at all times, by day (or by night with a constable, and on oath of suspicion), to enter and take account; for obstructing, penalty 50l.

By stat. 6 G. I. c. 21, s. 31, and 9 G. II. c. 23. s. 7, retailers are not to bring any spirits into their entered places without giving notice, and producing an authentic permit, on forfeiture of such spirits, and 20l.

By stat. 8 G. I. c. 18. s. 13, and 21 G. III. c. 55. s. 29, not to receive foreign spirits, though in less quantity than one gallon, without a permit, on forfeiture thereof.

By stat. 9 G. II. c. 23, retailers increasing their spirits, after account taken by the officer, by clandestinely

adding water, forfeit the spirits, and 40s. per gallon. S. 8.

Concealing spirits, forfeit the same, and 40s. per gallon. S. 6.

By stat. 24 G. II. c. 40, retailers discovering and prosecuting the distiller who supplied them with spirits to retail unlawfully, indemnify themselves against all penalties and forfeitures, and the distiller, knowingly selling to be unlawfully retailed, forfeits 10l. and treble the value of such spirits. S. 11.

Spirits found on the premises of a person convicted of unlawfully retailing, either at the time or within six months after, may be seized and staved, by warrant of commissioners or justice. S. 9.

Spirits seized by peace officers, on the premises of any one convicted of illegally retailing thereof, to be staved. *Ibid.*

By stat. 11 G. II. c. 26. s. 1, if spirits be sold in any house, &c. in less quantities than two gallons, the occupier of such house, being privy thereto, is deemed a retailer.

By stat. 9 G. II. c. 23, spirits given to apprentices or servants by shopkeepers, make the latter retailers of spirits. S. 16.

Spirits are not to be delivered to journeymen or servants in payment of their wages, on forfeiture of 20l. by the master, and his being deemed a retailer of spirits. S. 11.

By stat. 24 G. II. c. 40. s. 12, retailers thereof are not to take pledges of any person for the security of money owing for spirits, on penalty of 40s.

By stat. 9 G. II. c. 23. s. 12, and 16 G. II. c. 8. s. 12, spirits used by physicians, apothecaries, surgeons, or chemists, in medicines, for sick, lame, or distempered persons only, are not within the meaning of the laws relative to retailing spirits.

STARCH. By stat. 24 G. III. c. 41, makers of starch are to take out a licence annually; for neglect, penalty 30l. S. 1, 6, 7.

By stat. 10 Anne, c. 26, s. 10, 22, and 24 G. III. c. 48. s. 1, makers are not to erect or set up any work-houses, or other places, nor use the same, or any vats, boxes, or other utensils for making, drying, or keeping starch or materials, without first giving notice thereof in writing at the nearest office of excise, on forfeiture of 200l. with the flour, meal,

or other materials, and also all private utensils found in any unentered work-house, &c.

By stat. 19 G. III. c. 40. s. 1, makers within the limits of the head-office of excise are to occupy tenements of 10l. per annum, and pay parish rates; and in the country are to pay to church and poor, otherwise their entries are to be void.

By stat. 26 G. III. c. 51. s. 20, residing out of the limits of the head-office of excise, and where there are no church or poor rates, are to be assessed in their own names, and to pay in the parish where their work-houses are situate both to the window tax and tax on inhabited houses, otherwise their entries are to be void.

By stat. 24 G. III. c. 48. s. 3, are to cause their names and the word *starch-maker* to be painted in large legible letters, in conspicuous parts of the fronts of their starch-houses, on penalty of 100l.

By stat. 10 Anne, c. 26. s. 14, 17, 18, are to permit officers by day (or by night with a constable) to enter and take accounts of starch and materials; for obstructing, penalty 20l.

By stat. 19 G. III. c. 40. s. 12, and 24 G. III. c. 48. s. 1, are to deliver to the officers exact descriptions in writing of every room, place, vessel, and utensil used by them for making starch, under penalty of 200l. and to be marked and numbered at their own expence, under penalty of 50l.

By stat. 4 G. II. c. 14. s. 1, are to use regular square or oblong boxes only for boxing and draining green starch, on penalty of 10l.

By stat. 19 G. III. c. 40. s. 6, are to give twelve hours notice in London, and twenty-four hours in the country, before they begin to empty or wash out their vats, on penalty of 100l.

By stat. 26 G. III. c. 51. s. 15, after beginning to empty or wash out their vats agreeably to notice, are to finish the same in forty-eight hours, on penalty of 100l.

By stat. 19 G. III. c. 40, are to give the officers notice in writing of the hour when the emptying or washing out of any vat was finished, on penalty of 100l. S. 7.

Are not to move or disturb the waters, or take off the slimes, till 48 hours after being emptied out of the vats, on penalty of 100l. S. 7, 9.

Are to give twelve hours notice in London, and twenty-four hours in the country, before they begin to take the slimes from the sour waters, on penalty of 100l. S. 8.

By stat. 26 G. III. c. 51. s. 65, makers, after beginning to take the slimes from the sour waters agreeably to notice, are to proceed till finished, and to finish the same in twelve hours, on penalty of 100l.

By stat. 19 G. III. c. 40. s. 9, are not to move or disturb the slimes until twenty-four hours after the same are taken off, on penalty of 100l.

By stat. 26 G. III. c. 51, are to give the officers a declaration in writing of the hours when the shifting of the sour waters are finished, on penalty of 100l. S. 16.

Are not to move or disturb the green waters until 24 hours after shifting the sour waters, on penalty of 100l. *Ibid.*

Are not to mix starch waters of one making with those of another, on penalty of 100l.; but slimes which have been entered as such in the officer's books 24 hours, may be mixed in the presence of such officer. S. 18.

By stat. 10 Anne, c. 26. s. 17, makers not giving satisfactory accounts of flour, meal, or other materials missing, are chargeable for the same in the proportion of 25lb. of starch for every bushel of ingredients.

By stat. 19 G. III. c. 40. s. 10, and 26 G. III. c. 51. s. 17, not giving satisfactory accounts of starch missing, after gauged in the green waters, sour waters, or slimes, are chargeable for the same.

By stat. 4 G. II. c. 14. s. 1, are not to box starch without giving notice in writing, twelve hours in London, and twenty-four hours in the country, on penalty of 20l.

By stat. 19 G. III. c. 40. s. 11, makers, in their notices to box green starch, are to declare the particular frames or utensils from which they mean to box; and when they begin, are to continue till the whole in such utensil is perfectly boxed, on penalty of 200l.

By stat. 12 Anne, c. 9. s. 8, and 1 G. I. c. 2. s. 6, if starch be charged in the boxes before dried, each box, being 57 inches long, 10 inches broad, and 8 inches



inches deep, or 4560 cubic inches, is to be esteemed 13 lb.

By stat. 19 G. III. c. 40. s. 13, makers, as soon as they have broken the starch from the boxes, are to deliver to the officers an account in writing of the true number of each sort, under the denomination of large, middling, and small, on penalty of 200l.

By stat. 26 G. III. c. 51, stamps for marking the same when papered are to be provided and distributed by the commissioners of excise, and may be altered by them. S. 24.

Forging or counterfeiting stamps for marking starch made and papered in Great Britain, is felony without benefit of clergy. S. 14.

Selling starch with forged or counterfeit stamps, knowingly, or using old stamps a second time, penalty 500l. *Ibid.*

Makers desirous to paper starch for drying, are to give twelve hours notice in London, and twenty-four hours in the country, expressing the times of beginning, the number of pieces, and the stoves in which they are entered to be dried, on penalty of 100l. S. 1, 2.

Before starch is put into the stove (except for crusting) to be papered and tied with strings crossing each other on the end where the paper is folded, and a label three inches square affixed on each piece with glue; and after beginning to paper, manufacturers are to proceed till the whole is finished, on penalty of 100l. *Ibid.*

Within one hour after papering and stamping, officers are to weigh the scrapings, and put the same into water in the frames, or other utensils, without mixing them with other starch, and to dissolve and strain, and allow the officers to gauge them as green water, and to leave the same undisturbed till notice of boxing, on penalty of 100l. S. 9, 10.

By stat. 19 G. III. c. 40. s. 14, 15, makers are to place the scraped and papered starch in the stoves, in such order that the officers may count the pieces, and to provide ladders and assist the officers in taking account, and are not, by stirring the fires, throwing ingredients thereon, or otherwise, to hinder officers for the space of two hours, on penalty of 200l.

By stat. 26 G. III. c. 51, s. 3, makers putting starch into the stoves or drying places, not being

papered and stamped (except for crusting), forfeit the same.

By stat. 19 G. III. c. 40. s. 17, having in their stoves any pieces of starch, of which no account has been taken in the boxes, forfeit 100l.

By stat. 26 G. III. c. 51, s. 19, are not to remove starch from the stove after dried without giving twelve hours notice in London, and twenty-four hours in the country, on penalty of 200l.

By stat. 19 G. III. c. 40. s. 16, are not to begin to break down any piece of starch into scrapings or otherwise, without giving twelve hours notice in London, and twenty-four hours in the country, on penalty of 100l.

By stat. 26 G. III. c. 51, s. 11, makers desirous of having starch re-stamped (the papers of which may have been accidentally broken) are to give twelve hours notice in London, and twenty-four hours in the country; and thereupon the officers, being satisfied that the papers have been broken by accident, may re-stamp the same.

By stat. 10 Anne, c. 26. s. 20, are to keep starch of which account has been taken separate from starch of which no account has been taken, on penalty of 51.

By stat. 19 G. III. c. 40. s. 20, for fraudulently hiding or concealing starch or materials, penalty 100l.

By stat. 10 Anne, c. 26. s. 19, makers removing or sending away starch before account is taken by the officer, without twenty-four hours notice in London, or two days in the country, incur a penalty of 20l.

By stat. 19 G. III. c. 40. s. 19, for removing starch out of the stoves or other drying places after dried, and before weighed or taken account of by the officers, penalty 200l.

By stat. 26 G. III. c. 51. s. 10, for scrapings weighed by the officer, and dissolved in water, are to be allowed 7-10ths of their weight, or if their weight exceed 1-5th of the box gauge, the allowance to be 7-10ths of 1-5th of that gauge only; and the charge to be from the box gauge after such deduction, if not then less than the weight from the stove.

By stat. 10 Anne, c. 26, makers are entitled, on demand, to copies of the officer's returns. S. 14.

By stat. 10 Anne, c. 26. s. 1, 3, and 19 G. III. c. 40. s. 5, makers, or their chief workmen, are to make

make entries in writing and on oath, weekly, of the weight of all starch made by them, under penalty of 50*l*. Makers in the country are not obliged to go farther than the next market town to make entries.

By stat. 19 G. III. c. 40. s. 3, both in London and in the country, are to pay the duty within one week after entry.

By stat. 10 Anne, c. 26. s. 23, and 28 G. III. c. 37. s. 21, starch, and materials, and utensils, in the custody of starch-makers, or of other persons in trust for them, are liable for duties and penalties.

By stat. 26 G. III. c. 51. s. 13, and 27 G. III. c. 31. s. 23, starch and scrapings (except loose starch not exceeding 28*lb*.) found in the possession of any maker, or dealer, or other person for their use, or removing not being legally stamped, is forfeited, together with the boats, vessel, cattle, or carriages employed in removing the same; and the makers or dealers in whose possession it is found forfeit 10*s*. per pound. But this is not to extend to hair powder, or to starch taken out of the papers at hair powder or blue makers.

By stat. 24 G. III. c. 48, starch exceeding 28*lb*. is not to be removed without the word *starch* marked in legible letters, three inches long, on the package, on forfeiture thereof, with the boats, cattle, &c. S. 4.

Dealers receiving above 28*lb*. without the word *starch* marked on the package, incur a penalty of 20*ol*. S. 5.

By stat. 26 G. III. c. 51. s. 23, starch which has paid the duty, and no other material (except ingredients for colouring) is to be used in making stone-blue.

By stat. 24 G. III. c. 48. s. 2, persons found assisting in privately making starch may be arrested by any officer of excise, and taken before one justice, who on oath of one witness, or on confession, may convict the parties in the penalty of 30*l*. each, and in default of payment, commit them to prison for six months; for the second offence the penalty is 60*l*. or in default of payment, one year's imprisonment.

By stat. 4 G. II. c. 14. s. 4, starch suspected to be privately making, or fraudulently lodged or concealed, may by day (or by night with a constable) be searched for and seized under warrant of two commissioners

in London, or one justice in the country; for obstructing, penalty 50*l*.

By stat. 23 G. II. c. 21. s. 30, starch suspected to have been privately made, clandestinely imported, or fraudulently reloaded, if found on board ships, or carrying in any waggon, &c. is forfeited, with 5*l*. per cwt. unless the duty is proved to have been paid or secured.

By stat. 4 G. II. c. 14. s. 4, starch, or materials for making it, seized by virtue of a warrant, subject the parties in whose custody they are found to the penalty of 50*l*. unless it be made appear that the duty has been paid.

By stat. 3 G. III. c. 43. s. 19, a summons directed to clandestine makers thereof, by their right or assumed names, and left at the place where discovery is made, is sufficient.

By stat. 23 G. II. c. 21, in case of starch seized as being unlawfully imported, reloaded, or clandestinely made, and not claimed in twenty days, if in London, notice of the time of hearing, signed by the solicitor, is to be fixed up at the Royal Exchange; if in the country, notice to be proclaimed at the next market town, on the next market day after the expiration of the twenty days. S. 33.

On the trial of informations for the seizure thereof, the proof of payment of duty lies on the claimer. S. 30, 35.

Starch carried coastwise without a regular *cocquet* is forfeited, and may be seized by officers of excise. S. 29.

By stat. 24 G. III. c. 48. s. 6, makers obstructing officers in execution of their duty incur a penalty of 100*l*.

By stat. 23 G. III. c. 77, out of the duties of excise, an allowance of 3*d*. per pound is to be made for whitening and finishing new linen in the piece, and 1½*d*. per pound in preparing and finishing other manufactures from flax or cotton for sale. S. 1, 2, 3, 5.

No manufacturers of cottons or linens are entitled to any allowance out of the duties on starch, unless they enter their names and abodes with the collectors of excise one year before they make any claim. S. 5.

Manufacturers of linens or cottons, intending to claim an allowance of the duty on starch, are to keep a book, and enter therein the quantity used each week,

week, which book is to lie open to the officers of excise, and to be returned to the collectors annually, on oath of the manufacturers or their chief workman; for taking a false oath or affirmation, penalty 100*l.* and the second offence is deemed corrupt perjury. S. 2.

**SWEETS.** By stat. 10 and 11 W. III. c. 21. s. 5, all liquors made by infusion, fermentation, or otherwise, from foreign fruits or sugars, or from fruit or sugar mixed with other materials, shall be deemed to be sweets within the meaning of this act and all former acts.

By stat. 24 G. III. c. 41, makers thereof for sale are to take out a licence annually, under penalty of 30*l.* S. 1, 6, 7.

By stat. 10 G. II. c. 17. s. 4, notice in writing at the nearest office of excise, to be given by makers of sweets, of their names, abodes, and rooms or places for making or keeping the same, on penalty of 20*l.*

By stat. 8 and 9 W. III. c. 22. s. 11, not to erect or use any steeping tubs, or other utensils for making or keeping sweets, without giving notice, on penalty of 50*l.*

By stat. 7 and 8 W. III. c. 30. s. 16, 17, officers by day (or by night with a constable) to enter and take account of liquors, &c.; for refusing, penalty 15*l.* And a penalty of 40*s.* per barrel for concealing or conveying away sweets from the view of the officer.

Makers are not to sell or deliver out sweets, without giving notice to the office, excepting between three o'clock in the morning and nine in the evening in summer, and five o'clock in the morning and eight in the evening in winter, on penalty of 40*s.* per barrel. S. 18.

By stat. 6 G. I. c. 21, makers are entitled, on request, to certificates to accompany the removal of sweets that have been charged with duty. S. 22.

Makers sending away or removing sweets without a certificate, forfeit the same, and 10*s.* per gallon. *Ibid.*

By stat. 21 G. III. c. 55. s. 29, any dealer therein having an increase in his stock over and above what the officer found on the last preceding survey, such increase is to be deemed brought in without certifi-

cate, and an equal quantity is forfeited, and such dealer incurs the penalty of 20*l.*

By stat. 12 Car. II. c. 24. s. 31, and 10 G. II. c. 17. s. 4, duties on sweets are to be paid monthly, which if the maker neglect, he is to pay double duty.

By stat. 6 G. I. c. 21. s. 22, vintners receiving sweets without a certificate, forfeit the same and 10*s.* per gallon.

By stat. 26 G. III. c. 59, sweets found in any room, cellar, &c. entered by a wholesale dealer in wine for keeping or selling the latter, are to be deemed foreign wines. S. 29.

Sweets found in the custody of any dealer in foreign wines are forfeited, and the dealer in whose custody found forfeits 10*s.* per gallon. S. 25.

By stat. 30 G. III. c. 33. s. 14, retailers of sweets are those who sell in quantities of 25 gallons or under, and such shall be deemed retailers of British made wines and sweets, within the meaning of this act.

By stat. 10 G. II. c. 17. s. 16, 28 G. III. c. 37. s. 32, and 32 G. III. c. 59. s. 9, 11, retailers of sweets to be drunk in their houses are to be previously licenced as alehouse keepers, &c. by two justices; except freemen of the vintners company, persons licenced by the chancellors of the universities, and the three tavern keepers licensed by the mayor and burgesses of St. Alban's.

By stat. 30 G. III. c. 28, retailers are to take out an excise licence annually; for neglect, penalty 50*l.* S. 6, 9.

If retailers thereof die or remove, their executors, administrators, wives, children, or assignees, may, by authority of the commissioners of excise in London, or of the collectors and supervisors in the country, carry on the business for the unexpired term of their licences. *Ibid.*

By stat. 28 G. III. c. 74, licences to retail sweets are to contain the words, *to sell sweets or British wines only.* S. 7.

Retailers thereof are to cause the words *dealer in British wines* to be painted on their signs, and on some conspicuous part of their houses, on penalty of 10*l.* *Ibid.*

By stat. 10 G. II. c. 17. s. 7, wine made by the occupiers of British vineyards wholly from grapes growing therein, is not chargeable with any duty.

TOBACCO MANUFACTURERS. By stat. 29 G. III. c. 68. s. 155, manufacturers of tobacco are those who manufacture tobacco, or tobacco stalks, or who flatten or cut stalks into Spanish.

By stat. 29 G. III. c. 68. s. 64, 65, and 30 G. III. c. 40. s. 7, 8, manufacturers are not allowed to set up or make entries, at any place less than five miles from the sea-coast, except in the enumerated parts, or within three miles thereof, or in cities or market towns; but this is not to annul the entries of any places used as manufactories before the 5th of July 1789.

By stat. 29 G. III. c. 68, manufacturers, within the limits of the head office, are to occupy tenements of 10l. per annum, and pay parish rates, and in the cities are to pay to church and poor, otherwise their entries to be void. S. 61.

To take out licences annually under penalty of 200l. But this does not extend to Spanish-cutters, or snuff-millers working in entered places for licenced manufacturers. S. 70, 72, 76.

Not selling in less quantities than four pounds, are not required to take out a dealer's licence. S. 68, 73.

Three days before they begin, manufacturers are to make entries in writing at the nearest office of excise, of all their warehouses, shops, and other places for manufacturing, keeping, or selling tobacco and snuff; or preparations thereof, on penalty of 200l. and forfeiture of all the tobacco, snuff, &c. found in any place not entered. S. 59.

Manufacturers, three days before they begin, are to make entries in writing at the nearest office of excise, of every mill, press, engine, or other implement used by them for manufacturing, on penalty of 50l. S. 69.

Manufacturers are to cause the words *manufacturer of tobacco* to be painted in large legible characters over the outer door, or in the front of their houses, on penalty of 50l. S. 62.

Manufacturers not having made entries at the office of excise, and having the words *manufacturer of tobacco* painted over their door, &c. forfeit 100l. S. 63.

Are to permit the officers to enter and take accounts at all times by day (or by night with a constable); for obstructing, penalty 200l. S. 97, 149.

Manufacturers receiving any kind of tobacco without giving notice to the officer, and leaving with him an authentic permit for the same, forfeit such tobacco, and treble the value. S. 118.

Manufacturers receiving goods with a permit, may return the same within 48 hours after, upon giving 12 hours notice to the officer, specifying the cause of such return, and writing their own names, the names of the persons from whom received, and likewise the words *returned tobacco*, on the packages. S. 122.

Manufacturers returning goods from the officers from whom received without a permit, or otherwise contrary to the statute, forfeit such tobacco, and 50l. penalty. *Ibid.*

Manufacturers before they begin to strip, spin, or press tobacco, or to flatten stalks, in London, are to give six hours notice in writing, in other cities or market towns 12 hours, and in other places 24 hours, in which notices the weights of such tobacco or stalks are to be specified; for not giving such notices, penalty 20l. S. 77 and 95.

Having given notices as above, &c. are to weigh the tobacco or stalks in the presence of the officers, on penalty of 20l. S. 77.

A declaration being delivered to the officer, specifying the sorts into which the tobacco is to be manufactured, and how much of each, the manufacturer must proceed to manufacture it, on forfeiture of 20l. but if the tobacco be found unfit for cutting or spinning, it may on notice, and declaration within 48 hours, be converted into other sorts of tobacco, or laid down in snuff work. S. 77, 78, 79.

Manufacturers as soon as they have finished any short-cut shag, or Spanish, are to deliver to the officer a declaration in writing of the weight thereof, and also of the stalks and returns, and to keep the whole separate for 24 hours, or until taken account of by the officer, on penalty of 50l. S. 80.

And as soon as they have made tobacco into rolls or carrots, are to deliver to the officer a declaration in writing of the number of such rolls and carrots, and weigh off the stalk and returns, and to keep the whole separate 24 hours, or until taken account of by the officers, on penalty of 50l. S. 81.

By stat. 30 G. III. c. 40. s. 14, 30, manufacturers upon notice to the officer, in London within six hours,



hours, in other cities or towns twelve hours, and in other places twenty-four hours, may take manufactured tobacco, not less than 200 lbs. from any pyrcels in operation, provided the same be taken and weighed in the presence of the officer; for taking without such notice, penalty 50l.

By stat. 29 G. III. c. 68. s. 98, manufacturers for every 100 lb. of tobacco manufactured, are to be allowed a credit of 100 lb. of short-cut stalks and returns; 105 lb. of shag, &c. 115 lb. of roll, &c. 120 lb. of carrots, &c. 100 lb. of Spanish and returns for every 100 lb. of stalks.

By stat. 26 G. III. c. 30. s. 101, 102, manufacturers are to keep manufactured tobacco in operation separate from manufactured tobacco, on penalty of 50l. and officers are not empowered to weigh the same while in operation.

By stat. 26 G. III. c. 68. s. 115, and 30 G. III. c. 40. s. 27, Tobacco may be sent to any entered mills, to be there manufactured and dried.

By stat. 30 G. III. c. 40. s. 24, stoving or finishing tobacco at the mills, such tobacco is to be afterwards weighed by the officers, and the whole quantity is to be expressed in the permits, without regard to the weight at the time of stoving or finishing.

By stat. 29 G. III. c. 68, manufacturers are entitled, on delivering regular request-notes, to permits to protect tobacco, &c. on removal: in their request-notes for permits, they are to specify the names of the persons to whom the goods are to be sent, the sorts, and numbers and weight of the packages, and whether to be sent by land or water, and by what mode of conveyance; and if for permits to remove unmanufactured tobacco, or tobacco stalks to the mills, to express for what purpose sent; if to be returned from the mills, to specify the quantity, when received, &c. S. 111, 113.

Manufacturers, unless they are licenced dealers, are not entitled to permits for less than four pounds, nor are they to send out a less quantity, on penalty of 20l. S. 117.

By stat. 30 G. III. c. 40. s. 26, manufacturers without the limits of the chief office, or the enumerated parts, may send, by permits, tobacco-stalks stripped from the leaf on their entered premises to any place

within those limits, provided they have no other tobacco-stalks in their custody at the time.

By stat. 29 G. III. c. 68, manufacturers taking out permits, and not sending away the goods, nor returning the permits within the time limited for removing the goods out of their stock, forfeit treble the value, and the goods also, if on taking the stock there shall not appear a sufficient decrease to answer such permits. S. 116.

Manufacturers counterfeiting or forging, or fraudulently altering or erasing any permit, or knowingly receiving, publishing, or using any counterfeited, forged, false, untrue, altered, or erased permit, incur a penalty of 500l. S. 125.

Manufacturers are to enter every day in one book all tobacco sold or consumed the preceding day, in quantities of four pounds or upwards; and if they are also licenced dealers, they are to enter in one other book all sold in quantities under four pounds, on penalty of 100l. S. 104, 105.

Are every day to enter on their book for unmanufactured tobacco, sold in quantities of four pounds or upwards, the gross weight of Spanish and short-cut mixed, and the times when mixed; for neglect, penalty 50l. S. 94.

Are not to have more than one entry-book of each sort in their possession at a time. S. 105.

Are to leave their entry-books open for the inspection of the officers, and on their request enter up the quantities sold each day; are also to return such books on oath in London every six weeks, and in the country every six months, or sooner, if filled up, on penalty of 100l. for refusal, neglect, or false entry. *Ibid.*

Manufacturers having an increase in stock not legally accounted for above what the officer found on the last preceding survey, such increase is to be deemed brought in without a permit, and an equal quantity forfeited, with a penalty of 20l. S. 105.

For removing tobacco out of their entered premises before weighed by the officers, or concealing the same, penalty 50l. S. 109.

Any person cutting walnut, hop, or other leaves, in imitation of tobacco, or curing or drying such leaves, or mixing the same with tobacco, or selling or offering such leaves so cut to sale, or having the same in

their custody, forfeits 200l. and all such leaves, &c. S. 84.

By stat. 29 G. III. c. 68. s. 85, and 30 G. III. c. 40. s. 23, manufacturers may stain or dye tobacco with any liquid dye or stain.

By stat. 29 G. III. c. 68, manufacturers are to permit the officers to take samples of manufactured or unmanufactured tobacco, tobacco stalks, Spanish, &c. on paying the usual prices, if demanded; for obstructing, penalty 100l. S. 103.

Persons found assisting in private manufactories of tobacco may be arrested by any officer of excise, and taken before any one justice, who, on the oath of the witness, or confession, may convict the parties in the penalty of 30l. and in default of payment commit them for six months; for the second offence 60l. and in default of payment one year's imprisonment. S. 96.

Manufacturers making, or having in their custody any roll or carrot tobacco for exportation, with stalks therein, forfeit such tobacco, and 50l. S. 83.

By stat. 29 G. III. c. 68. s. 155, and 30 G. III. c. 40. s. 22, thumb-cut black leaf long twist, or pig-tail, shall be deemed roll; tobacco snalls sifted from short-cut or shag, and returns of Spanish, and siftings from second dressings and returns of snuff, are deemed returns; and sifted from stalks is deemed tobacco; and stalks flattened and cut into Spanish are deemed Spanish; stalks stripped from the leaf are deemed stalks; and stalks laid down for stalk-flour are deemed stalk-flour.

**TOBACCO-DEALERS.** By stat. 29 G. III. c. 68, are those who sell tobacco, tobacco-stalks, returns, or Spanish, in quantities of less than four pounds. S. 155.

Are to take out licence annually; for neglect, penalty 50l. S. 70, 72.

Three days before they begin, are to make entry in writing, at the nearest office of excise, of every shop or other place used by them for keeping or selling tobacco, on forfeiture of 200l. and all tobacco, &c. found in any place not entered. S. 59.

Dealers are to cause the words *dealer in tobacco* to be painted in large legible characters over the outer door, or in the front of their houses, &c. on penalty of 50l. S. 62.

Not having made entries at the excise office, and

having the words *dealer in tobacco* painted over their door, &c. penalty 100l. S. 63.

Are to permit officers to enter and take accounts at all times by day (or by night with a constable); for obstructing, penalty 200l. S. 97, 149.

Dealers receiving goods without giving notice to the officer, and leaving an authentic permit for the same, forfeit the goods, and treble their value besides. S. 113.

Receiving goods with a permit, may return the same within 48 hours after, upon giving twelve hours notice to the officer, specifying the cause of such return, and writing their own name, and the names of the persons from whom received, and likewise the words *returned tobacco* on the packages. Returning goods without a permit, forfeit the same, and 50l. penalty. S. 122.

Dealers are entitled, on delivering regular request-notes, to permits to protect tobacco on removal. S. 111.

In their request-notes for permits, are to specify the names of the persons to whom the goods are to be sent, the sorts and numbers, and weight of packages, and whether to be sent by land or water, and by what mode of conveyance. S. 113.

Taking out a permit, and not sending away the goods, nor returning the permit within the time limited, forfeit treble the value of the goods, and the goods also, if on taking stock there shall not appear a sufficient decrease to answer such permit. S. 116.

Any person counterfeiting or forging, or fraudulently altering or erasing any permit, or knowingly receiving, publishing, or using any counterfeit, forged, false, untrue, altered, or erased permit, incurs a penalty of 500l. S. 125.

Dealers are to enter every day, in one book, all tobacco sold or consumed the preceding day in quantities of four pounds or upwards; and in another book all sold, &c. in quantities under four pounds, on penalty of 100l. S. 104, 105.

Are to enter in their books for tobacco sold in quantities of four pounds or upwards, the gross weight of Spanish and short-cut mixed, and the times when mixed; for neglect, penalty 50l. *Ibid.*

Are not to have more than one entry-book in sort in their possession at a time. *Ibid.*

Are

Are to leave their entry-books open for the inspection of the officers, and on their request to enter up the quantities sold each day, and are also to return such books on oath in London every six weeks, and in the country every six months, or sooner, if filled up, on penalty of 100*l.* for refusal, neglect, or false entry. *Ibid.*

Dealers having an increase in stock not legally accounted for, such increase to be deemed brought in without a permit, and the dealer forfeits 20*l.* together with the goods. *S.* 106.

Are to permit officers to take samples of tobacco, Spanish, &c. on paying the usual price for the same; for obstructing, penalty 100*l.* *S.* 103.

Dealers offering for sale, or having in their custody, any walnut, hop, or other leaves cut, cured, or dried, in imitation of tobacco, or mixed therewith, forfeit 200*l.* and all such leaves. *S.* 84.

Tobacco of the weight of four pounds or upwards, or tobacco stalks, Spanish, or returns, exceeding 200 *lbs.* found removing without a permit, is forfeited, with the cattle, carriages, boats, &c. *S.* 110.

Tobacco not being received into the stock of the person to whom sent within the time limited in the permit, is to be considered as removing without a permit. *S.* 112.

By stat. 29 *G.* III. c. 68. s. 114, and 30 *G.* III. c. 40. s. 25, unmanufactured tobacco (other than samples) is not to be removed, either with or without a permit, more than twice, nor in any package, except in the hogsheads, chests, &c. in which the same was cleared from the warehouses, with the original marks and numbers, on forfeiture thereof, together with the cattle, carriages, &c. but this does not extend to unmanufactured tobacco, removing by permit in any quantity not less than 200 *lbs.* from the manufacturers to the mills.

By stat. 29 *G.* III. c. 68. s. 119, 120, 122, and 30 *G.* III. c. 40. s. 26, tobacco of any sort removed from without to within the limits of the chief office, or from without the enumerated parts to within such parts, or within two miles thereof, with or without a permit, is forfeited, together with the cattle, &c. but this does not extend to cut tobacco, or Spanish, returned from the mills to the manufacturers, nor to tobacco returned under the legal rules to the persons

from whom sent, nor tobacco stalks stripped from the leaf by the manufacturer sending them.

By stat. 29 *G.* III. c. 68, any tobacco of the weight of four pounds or upwards, or any tobacco stalks, or Spanish tobacco stalks for tobacco stalk-flour, found removing at any hour except between seven and eight o'clock in the morning and five in the evening, from the 29th of September to the 25th of March, or between five o'clock in the morning and seven o'clock in the evening the other part of the year, unless in known stage-coaches or waggons usually travelling, or in ships or vessels usually navigated out of those hours, is forfeited, whether with or without a permit, together with the cattle, carriages, and boats employed in removing the same. *S.* 123.

No tobacco stalks, Spanish, or tobacco stalk-flour can be removed with or without a permit, except in quantities not less than 200 *lbs.* on forfeiture thereof, with the cattle, &c. *S.* 114.

By stat. 29 *G.* III. c. 58, tobacco may be seized on board a ship within the limits of any port, or within four leagues of the coast, by officers of excise.

Suspected to be fraudulently deposited or concealed, may by day (or by night with a constable) be searched for and seized under warrant of any two commissioners in London, or of one justice in the country; for obstructing, penalty 100*l.* *S.* 153.

Tobacco or Spanish stalks, &c. offered for sale by any person not having a permit, or by hawkers, pedlars, &c. though with a permit, is forfeited, and may be seized by the party to whom the same is so offered, who may likewise take the seller before a justice to be committed and prosecuted for the offence; the party seizing to be rewarded as an officer.

By stat. 5 *G.* III. c. 43. s. 5, runners or receivers of the stalk or stems of tobacco may be arrested by *capias* in the first process, and held to bail.

By stat. 29 *G.* III. c. 68, for removing tobacco, &c. after being seized, or endeavouring so to do, penalty 200*l.* *S.* 149.

Tobacco, &c. being seized by officers of the customs, notice thereof is to be given to the excise within 24 hours, or the officers are not entitled to any reward. Being seized by officers of the customs, if afterwards removed without an excise permit, the same may be seized by officers of customs or excise. *S.* 147.

Being seized after condemnation, and before sold or destroyed, is to be deposited in the established warehouses at the nearest of the enumerated ports. S. 140.

Being seized and condemned (except Spanish, Portuguese, Irish, or American, which can be sold for a sum equal to the duties) is to be burnt and destroyed. *Ibid.*

All tobacco-stalks, Spanish, &c. seized and condemned, are to be burnt and destroyed. *Ibid.*

Tobacco saved from any ship wrecked, stranded, or in distress, is to be lodged in the nearest warehouse, and be subject to the several rules, &c. S. 58.

For assaulting or obstructing officers in the execution of their duty, penalty 200l. S. 149.

**VERJUICE.** By stat. 15 Car. II. c. 11. s. 1, W. and M. c. 24. s. 1; and 8 Anne, c. 7. s. 2, verjuice-makers are to give notice in writing at the nearest office of excise of all their tuns, vats, bats, coppers, or coolers, and are not to make use of any private or concealed cellars or places for laying verjuice in casks, on penalty of 50l. N. B. Verjuice is drawn from sour grapes, wild apples, or crabs unfit for wine or cyder, or from sweet ones yet acid or unripe.

**VINEGAR-MAKERS.** By stat. 24 G. III. c. 41. s. 7, makers for sale are to take out a licence annually, under a penalty of 50l. S. 1, 6, 7.

By stat. 26 G. III. c. 73. s. 56, to make entry of the brew-houses, buildings, yards, or places used for carrying on their business, and are to specify from what materials they intend to make their vinegar.

By stat. 10, 11 W. III. c. 21. s. 14, makers are not to use any storeroom, cellar, &c. for making or keeping vinegar, or preparations, without giving notice, on penalty of 50l.

By stat. 7, 8 W. III. c. 30. s. 17, makers or retailers of vinegar are to permit officers by day (or by night with a constable) to enter and take account of liquors, &c.; for refusing, penalty 50l.

By stat. 26 G. III. c. 73. s. 55, makers thereof from any materials, except malt or corn, are not to carry on the business of distillers, or rectifiers, within two miles of their premises for making vinegar.

By stat. 10, 11 W. III. c. 21. s. 15, thirty-four gallons ale-measure to be deemed a barrel of vinegar.

By stat. 12 Anne, c. 7, vinegar made by manufac-

turers of white lead, and consumed therein, is not chargeable with duty. S. 5.

Persons making and using vinegar for pickles for sale, are deemed makers of vinegar, and are chargeable with duty. S. 4.

By stat. 15 Car. II. c. 11. s. 20, makers thereof brewing beer to be converted into vinegar, are chargeable with the vinegar duties.

By stat. 10, 11 W. III. c. 21, makers having liquors preparing for vinegar, are chargeable with duty for the same. S. 9.

Makers are not to receive stale beer, cyder, verjuice, &c. nor deliver out vinegar without notice to the proper officer of excise, except between five o'clock in the morning and seven o'clock in the evening in summer, and seven o'clock in the morning and five o'clock in the evening in winter, on forfeiture of 50l. S. 12.

Makers receiving stale beer, cyder, verjuice, &c. to shew the same to the proper officer before it is mixed with any other liquor, on penalty of 20l. S. 13.

Having in their custody stale beer, cyder, verjuice, &c. except for family use, and kept separate, such beer, &c. are deemed vinegar, or preparations. S. 11.

By stat. 7, 8 W. III. c. 30. s. 16, makers thereof concealing or conveying away vinegar, or preparations out of the sight of the gauger, forfeit 40s. per barrel, and so in proportion.

By stat. 6 G. III. c. 14. s. 16, cyder or perry becoming unfit for sale, and being charged with the vinegar duties, three commissioners or two justices, on proof, may allow the proprietor the cyder duties already charged.

**WINE DEALERS AND WINES.** By stat. 26 G. III. c. 59. s. 11, wholesale dealers are those who sell wines, having neither a spirit nor beer licence, and not selling in less quantities than the measure in which wine may be imported as merchandize.

Wholesale dealers are to take out wholesale licences annually under penalty of 100l.

By stat. 30 G. III. c. 38. s. 12, 13, and 32 G. III. c. 59. s. 11, wine may be sold wholesale or retail by persons free of the vintners company, either by patrimony or by apprenticeship, without licences, and also by three tavern-keepers in St. Alban's, being licensed



licensed by the mayor and burgesses of that borough.

By stat. 26 G. III. c. 59, wine-dealers are to make entries in writing at the nearest office of excise of all storehouses, rooms, shops, cellars, &c. for keeping wines for sale, on penalty of 100l.; this does not extend to wines sold on the lawful quays, when any wine shall have been first landed, and while it shall be openly lying there. S. 12.

A dealer (unless a partner) cannot make entry of any storehouses, room, shop, cellar, &c. within a house in which the entry of any other such dealer is existing. S. 13.

Wholesale dealers are to cause the words *dealer in foreign wine* to be painted in large legible characters over their doors, or in the front of their houses, on penalty of 50l. S. 14.

Dealers or others, not having made entry at the excise office, having the words *dealer in foreign wine* painted over their doors, &c. forfeit 100l. S. 15.

Dealers are not to set up, erect, alter, or enlarge any bin, vessel, or other convenience for keeping wines, which is capable of containing above three gallons, without giving previous notice thereof at the nearest office of excise, on penalty of 50l. S. 21.

To mark on all casks, or other vessels above three gallons, the number of gallons the vessel is capable of containing, and to distinguish the sort of wine therein by French red, or French white, or if any other wine by red or white, on forfeiture of the wine. S. 19.

By stat. 26 G. III. c. 17, officers at all times by day (or by night with a constable) to enter and take accounts; for obstructing, penalty 100l. S. 45.

Dealers are to shew to the officers every cask, vessel, &c. capable of containing above three gallons, and also every bin or other place for keeping wines, on forfeiture of all wine contained in such as shall not be so shown. S. 20.

For rubbing out or defacing the marks put by an officer on any vessel above three gallons, or on any bin or other place for keeping wines, the penalty is 50l. *Ibid.*

Dealers receiving any wines, without leaving with the officer an authentic permit for the same, forfeit such wines, with the casks, &c. S. 32.

By stat. 26 G. III. c. 59, wholesale dealers are not

to draw off or bottle wine (except to be immediately sent out) without giving six hours notice in London, and twelve hours in the country, specifying the place where the sort and quantity to be drawn off is to be sent, and the number of vessels or bottles to be filled, on forfeiture of 50l. They must permit the officer, if he deem it expedient, to attend the bottling of wine, and must, in such case, pack the same in the officer's presence; if the officer do not attend the bottling of wine on his next survey, the trader must declare where the wine is to be, or has been piled or deposited, on forfeiture of 50l. S. 22.

Wholesale dealers are not to remove wines from one bin to another without giving the officers six hours notice in London, and twelve hours notice in the country, specifying the bins into which the same are to be removed, on penalty of 50l. *Ibid.*

Dealers are to keep their wines (that is to say) French red, French white, and red not French, and white not French, separate and apart from each other, on penalty of 50l. S. 23.

Dealers are to enter every day in one book all the wines sold or consumed the preceding day in quantities under three gallons, and in another book, all sold, &c. in quantities of three gallons or upwards; and they are not to have more than one entry-book of each sort in their custody at a time, on penalty of 20l. S. 26.

Dealers are to leave their entry-books open to the inspection of the officer, and on his request to enter up the quantities sold each day; and are also to return them, on oath, when filled up, on penalty of 20l. for refusal, neglect, or false entry. *Ibid.*

By stat. 26 G. III. c. 27, wholesale dealers having an increase in their stock (except in the original casks, and then not more than two gallons per ton above the import gauge) above what the officer found on the last preceding survey, such increase is to be deemed brought in without a permit, an equal quantity is to be forfeited, and such dealers incur a penalty of double the value of the excess. S. 27, 28.

Wholesale dealers having cyder, sweets, British-made wine, mead, spirituous liquors, or any other liquor whatsoever, which at any time shall be found in any shop, cellar, or other place entered for keeping or selling wines by wholesale, such cyder, sweets, &c.

shall

shall be deemed and taken to be foreign wine within the meaning of this act; or if separate from any wine, then the same shall be deemed French red wine, and such increase in stock shall be seized accordingly. S. 29.

Dealers are not to have in their custody any British-made wines, or sweets, on forfeiture thereof, and 10s. per gallon. S. 25.

Licensed dealers having occasion to remove wines from their entered premises, are entitled, on delivering a regular request-note, to permits to protect the same on removal. S. 30, 31.

Request-notes for permits for the removal of wines are to specify the names of the persons to whom the same is to be sent, the sorts of wine, the numbers and contents of the casks or packages, and whether to be sent by land or water, and by what mode of conveyance. S. 31, 33. Permits for the removal thereof are to express the time they are to be in force, as well for removing out of the stock of the person by whom sold, as for delivering into the stock of the person to whom the same is to be sent. S. 30.

Dealers taking out permits, and neither sending away the wines, nor returning the permit within the time limited for removing their wines out of the stock, forfeit treble the value, and the wines also, if on taking their stock there shall not appear a sufficient decrease to answer the permits; and if such dealers or sellers shall not have in their custody or possession such like quantity of wine of that denomination, then and in such case such dealers, &c. shall forfeit 100l. S. 37.

Wines not being removed into the stock of the person to whom sent within the time limited in the permit, are to be considered as removed without permit, unless the delay is proved to the commissioners of excise to have been unavoidable. S. 35.

WINES. Removed under a description not conformable to law, or under a false description, are forfeited, together with the cattle, carriages, boats, and vessels used in the removal thereof. S. 31, 33.

Dealers or other persons counterfeiting or forging, or fraudulently altering or erasing any permit, or knowingly receiving, publishing, or using any counterfeit, forged, false, untrue, altered, or erased permit, incur a penalty of 500l. S. 39.

Dealers are not to act as justices in matters relating to excise laws respecting foreign wines. S. 51.

Wines may be sold by auction by licensed auctioneers, by leave of the commissioners of excise, on proof that the duties thereof have been paid. S. 10.

Above three gallons, removed without a permit, are forfeited, with the packages, boats, barges, cattle, and carriages employed in removing the same. S. 10, 34.

By stat. 27 G. III. c. 13. s. 13, wines in casks exceeding ten gallons, or in bottles above three dozen, are not to be removed from the country to London, nor to any place within 20 miles of the Royal Exchange, without certificates that the difference between the outport and London duty has been paid (except salvage on condemned wines), on forfeiture of such wines, with the casks, &c.

Wines for which the outport duty, and the difference between that and the London duty have been paid, being staved or destroyed in removing, and before brought within 20 miles of the Royal Exchange, the commissioners of the customs, on proof of the fact, are to cause repayment of the said difference. S. 14.

WINE RETAILERS. By stat. 30 G. III. c. 38. s. 15, retailers of wine are those who sell wines to be drunk in their houses, or who sell in less quantity than the measure in which the same may be imported by way of merchandize.

Are to take out, and pay duty for licences annually; for neglect, penalty 50l. These licences to determine on the 10th of October in each year; and if taken out between the 5th of April and the 10th of October, only a rateable proportion of the duty is to be paid. S. 6, 8, 9.

By stat. 32 G. III. c. 59. s. 6, 8, 9, before they can obtain an excise licence they must have a beer or ale licence duly granted by two justices, but this is not to extend to freemen of the vintners company, or to persons licensed by the chancellor of the universities, or to the three tavern-keepers licensed by the mayor and burgesses of St. Alban's.

By stat. 30 G. III. c. 38. s. 10, retailers dying or removing, their executors, administrators, wives, children, or assigns, may, by authority of the commissioners of excise in London, or the collectors and supervisors

pervisors in the country, carry on business for the unexpired term of the licence.

By stat. 32 G. II. c. 19. s. 3, retailers are to cause the words *wine* to be written on the sign, or in the front of their house, on penalty of 10l.

By stat. 24 G. III. c. 59. s. 24, spirits, and other liquors retailed, are to be kept separate from their wines, on forfeiture of 10s. per gallon, and all such wines and other liquors which are not kept apart.

By stat. 27 G. III. c. 31. s. 6, retailers having an increase in their stock above what the officer found on his last preceding survey, such increase is to be deemed brought in without permit, and an equal quantity to be forfeited, and such retailers incur a penalty of double the value of such excess.

By stat. 26 G. III. c. 70. s. 33, wines for which the duties have been fully paid, and upon a request-note delivered in writing to officers authorized to grant a permit thereupon by virtue of this act, specifying the quantity of each sort of such foreign wine intended to be removed, and for the removal of which such permit is required; and if such wine be French wine, whether the same be French red wine, or French white wine, or in case such wine is not French wine, whether the same be foreign red wine not French, or foreign white wine not French, and also the number and contents of the cask, bottles, jars, or vessels containing the same; and likewise whether the same is to be removed by land or water, and by what mode of conveyance such wine is intended to be sent, are entitled, without fee or reward, to a permit or permits in writing, signed by such officer or officers, expressing the quantity of such wine so to be removed, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in such request-note, conformably to the directions of this act, and expressing the name and names of such private person or persons from whom the same is intended to be removed, and that the duty of such wine, so intended to be removed, has been paid, or that the same has been condemned as forfeited, or was part of the stock of some dealer or dealers, or seller or sellers of foreign wine by wholesale, of which an account has been delivered at the office of excise pursuant to this act: and all the officers of excise, granting or giving such permit or permits, shall

limit and express therein the time within which such wine, in such permit or permits mentioned, shall be removed from and out of the possession of the persons taking out such permit or permits, and also the time within which such wine shall be delivered and received into the possession of the person or persons respectively to whom the same is so permitted to be sent; and all such foreign wine, which shall be removed under a description not conformable to this act, or under a false description, together with the casks, bottles, jars, vessels, and other packages containing the same, and the horses, cattle, carts, boats, barges, and other carriages used in the removal or carriage thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Wine exceeding three gallons is forfeited, if removing or removed without a permit, together with the casks, bottles, jars, vessels, and packages containing the same, and the horses, cattle, boats, barges, and other carriages used in such removal or carriage thereof. S. 34.

If wine be not removed within the times limited in the permit, the permit must be returned to the officer who granted the same, on penalty of treble the value of such wine, to be estimated according to the best and highest rate for which wines of that kind shall sell in London. S. 38.

Persons counterfeiting or altering permits incur a penalty of 500l.

**WIRE-DRAWERS.** By stat. 24 G. III. c. 51. s. 1, 6, 7, the metals most commonly drawn into wire are gold, silver, brass, copper, and iron; drawers thereof are to take out and pay duty for licences annually, or forfeit 50l.

By stat. 31 G. III. c. 32. s. 10, traders or sellers are not required to take out a licence to deal in plate.

By stat. 10 Anne, c. 26. s. 49, 59, drawers thereof are not to make use of any house or place for drawing big wire, without first giving notice thereof, and of their names and abodes, in writing, at the next office of excise, on forfeiture of 20l.; and all wire, bars, and private utensils found in any private work-house are also forfeited.

Not to draw big wire at any house or place other than a common bar-house, approved by the commissioners

commissioners of excise, on forfeiture of 20l. S. 49.

By stat. 13 Anne, c. 26. s. 57, wire of which an account has been taken, must be kept separate and apart from wire of which no account has been taken, on forfeiture of 10l.

Fraudulently concealing wire, or prepared silver bars, forfeit 20l. S. 58.

Removing or sending away wire before account has been taken by the proper officer, without 24 hours notice, incurs a penalty of 40l. S. 56.

Wire drawers, when the charge is made by the weight of the big wire, are to be allowed one-fifth for waste in reducing, s. 52, 53, and are entitled to a copy of the officer's returns. S. 52.

Drawers, or their chief workmen, must make entry in writing and on oath, monthly, of the weight and kinds of wire made each week, on forfeiture of 100l. S. 50, 54.

And must pay the duty within six weeks after they have or ought to have made entry, or forfeiture of double duty. S. 51.

Obstructing officers in the execution of their duty forfeit 20l. S. 54.

#### GENERAL OBSERVATIONS.

**ARREARS OF DUTIES.** By several acts of parliament, all articles in the possession of persons subject to the excise laws, together with all the materials and utensils of whatsoever description, are made liable for the arrears of duties, whether these be single or double duties; and if a trader, being in arrears for the single duties, become a bankrupt, and is convicted after the assignment of his effects, the double duties are a lien upon the excisable commodities, utensils, and materials in the hands of his assignees, and the commissioners or magistrates may authorize the penalty to be levied upon all such commodities, and all the materials, preparations, utensils, and vessels for making thereof, in the custody of the bankrupt, or any person or persons in trust for him. *Stracey and others v. Halse and others*, 2 Doug. 411.

**BONDS.** Bonds for the exportation of excisable commodities are to be taken by officers of excise, and they are to be given generally upon all excisable articles at the place where exported.

**FORGERY.** Forgery of any stamps, licences, certificates, permits, or any other excise documents, is by various statutes made a capital felony.

**LICENCES.** In all cases where licences are required, the licence will only sanction the business carried on in that particular place for which such licence was granted; but where the business is carried on by partners, one licence will be sufficient to cover the firm.

**OFFICERS OF EXCISE.** The officers of excise are to be appointed, and may be dismissed, replaced, or altered by the commissioners under their hands and seals; their salaries are allowed and established by the treasury; and by 1 W. and M. c. 24. s. 15, if it be proved by two witnesses that any officer has demanded or taken any money or other reward whatever, except of the king, such offender shall forfeit his office.

By 12 Car. II. c. 23. s. 19, and c. 24. s. 33, excise officers are to make returns or reports of the gauges in writing to the commissioners; and such reports are charges upon the trader; and by 12 G. I. c. 28. s. 30, they are not bound to leave copies of their returns or charges with traders, unless the same are demanded in writing.

By several statutes, no process can be sued out against any officers of excise, for any act done in the execution of his office, until one month after notice given, specifying the cause of action, and the names and abode of the person who is to begin, and the attorney who is to conduct the action; and within one month after such notice, the officer may tender amends, and plead such tender in bar; and having tendered insufficient or no amends, he may with leave of the court, before issue joined, pay money into court.

Excise officers may go on board ships within the limits of any port, or within four leagues of the coast, and continue on board, and rummage the same; and by 26 G. III. c. 40. s. 23, officers, above the degree of a tradesman or waterman, may inspect cabins, &c. and may open the same, if the keys are withheld by the master of the ship.

By 29 G. III. c. 68. s. 20, the first officer of excise who shall board any ship with tobacco from America within any of the enumerated ports, or within



four leagues of the coast, is entitled to a true copy of the manifest.

By 23 G. I. c. 21. s. 28, 29, officers of excise may go on board ships within the limits of any port, and search for and seize candles, soap, or starch illegally imported, and may seize the like goods carried coastwise without a regular coquet.

By 5 G. III. c. 39, they may also rummage ships, and seize goods unlawfully imported in any bay, harbour, creek, &c. in the Isle of Man; and by several other acts they are authorized to re-seize coffee, tea, foreign spirits, tobacco, snuff, wine, &c. seized by officers of the customs, if removed after seizure without a permit.

By 26 G. III. c. 77. s. 4, and 29 G. I. c. 68. s. 130, 134, and other statutes, officers attending the shipping of exciseable commodities for exportation, may examine the goods; and by 1 G. I. c. 7. s. 5, they are to be allowed 3d. per tun from the exporter for their charges in attending the shipping of beer or cyder for exportation.

By 10 G. I. c. 13. s. 10, officers of excise are empowered to search at all times of the day entered warehouses, or places for tea, coffee, &c. But private houses can only be searched upon oath of the suspicion before a commissioner or justice of peace, who can by their warrant authorize a search; and it was once decided under this statute in the case of *Bostock v. Saunders*, 3 *Wils.* 434, that if a house were searched, and no prohibited goods were found, the warrant of the officer would be no justification, and he would be liable to an action of trespass. In another and more recent case, however, that of *Fest v. Cooper* and others, this decision appears to have been over-ruled; and it was decided, in an action of trespass brought under the above statute 10 G. I. c. 10, against an officer of excise for entering the plaintiff's house, under a warrant of two commissioners, to search for concealed goods, but none were found, that the defendants were not trespassers, the act itself being legal.

OVERCHARGES. By 1 G. II. c. 16. s. 4, complaints of overcharge are to be heard by the commissioners of excise or appeals, or justices of peace within whose jurisdiction respectively any trader or dealer shall dwell; and such commissioners or magistrates shall determine all such complaints, and examine witnesses

upon oath, and may discharge or acquit such trader or dealers of such overcharge.

PERMITS. Persons dealing in exciseable commodities are entitled to permits for removing the same to different places in certain quantities, and under certain regulations. These permits are written upon a peculiar species of paper, and manufactured expressly for the purpose; and by 23 G. III. c. 70. s. 11, no permit paper is to be delivered out before it shall be filled up agreeable to the request-note of a trader; and officers knowingly granting any false permit, making false entries in the counterpart thereof, or receiving any commodities into stock with a false or forged permit, are to be transported for seven years.

SAMPLES. Officers of excise are by various acts empowered to take samples of exciseable commodities, paying the prices therein regulated for the same.

SEIZURES. When an officer makes a seizure of any spirits or other articles, he must lay his hand on the casks, vessels, &c. so seized, and declare that he seizes such spirits, &c. and the casks or vessels containing the same, for the use of his majesty and of himself; but if the officer happen to be alone when he makes such seizure, he must afterwards, in the presence of witnesses, again lay his hand on such casks, vessels, &c. and repeat the former declaration of seizure.

All informations on seizures must be laid in the names of the officers making such seizure.

By 41 G. III. c. 96, commissioners of excise are empowered to make restitution of exciseable goods.

SCALES AND WEIGHTS. By various acts of parliament, traders subject to the excise laws are to keep just and sufficient scales and weights, under penalty of 100l. for every such offence, and the scales and weights may be seized by the officer.

Traders, manufacturers, and dealers liable to the excise duties, are to assist the officers in weighing stock; and forcibly obstructing, or using any art or contrivance to prevent or impede the officer from taking a true account, incurs a penalty of 100l.

See *Customs, Exports, Imports, Navigation, Plantations, Smuggling.*

EXECUTOR is a person appointed by the testator to carry into execution his will and testament after his

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decease.

decease. The regular mode of appointing an executor is by naming him expressly in the will, but any words indicating an intention of the testator to appoint an executor will be deemed a sufficient appointment.

Any person capable of making a will is also capable of being an executor, but in some cases persons who are incapable of making a will may nevertheless act as executors, as infants, or married women; to obviate, however, inconveniences which have occurred respecting the appointment of the former, it is enacted by stat. 38 G. III. c. 89, that where an infant is sole executor, administration, with the will annexed, shall be granted to the guardian of such infant, or such other person as the spiritual court shall think fit, until such infant shall have attained the age of 21 years, when, and not before, probate of the will shall be granted him.

An executor derives his authority from the will and not from the probate, and is therefore authorized to do many acts in execution of the will, even before it is proved, such as releasing, paying, or receiving of debts, assenting to licences, &c.; he may also be sued, or commence an action, but he cannot proceed until he have obtained probate.

If an executor die before probate, administration must be taken out with the will annexed; but if an executor die, his executor will be executor to the first testator, and no fresh probate will be needed.

It will be sufficient if one only of the executors prove the will; but if all refuse to prove, they cannot afterwards administer, or in any respect act as executors.

If an executor become bankrupt, the court of Chancery will appoint a receiver of the testator's effects, as it will also upon the application of a creditor, if he appears to be wasting the assets.

If an executor once administers he cannot afterwards renounce; and the ordinary may in such case issue process to compel him to prove the will. *Parten v. Barends*, 1 Mod. 213.

If an executor refuse to take upon him the execution of the will, he shall lose the legacy which may be therein contained.

If a creditor constitute his debtor his executor, this is at law a discharge of the debt, whether the executor act or not, provided, however, there be assets sufficient to discharge the debts of the testator.

The first duty of an executor or administrator is to bury the deceased in a suitable manner; and if the executor exceed what is necessary in this respect, it will be a waste of the substance of the testator.

The next thing to be done by the executor is to prove the will, which may be done either in the common form, by taking the oath to make due distribution, &c. or, in a more solemn mode, by witnesses to its execution.

By stat. 37 G. III. c. 9. s. 10, every person who shall administer the personal estate of any person dying without proving the will of the deceased, or taking out letters of administration within six calendar months after such person's decease, shall forfeit 50l.

Upon proving the will, the original is to be deposited in the registry of the ordinary, by whom a copy is made upon parchment under his seal, and delivered to the executor or administrator, together with a certificate of its having been proved before him, and this is termed the probate.

If all the goods of the deceased lie within the same jurisdiction, the probate is to be made before the ordinary or bishop of the diocese where the deceased resided; but if he had goods and chattels to the value of 5l. in two distinct dioceses or jurisdictions, the will must be proved before the metropolitan or archbishop of the province in which the deceased died.

An executor, by virtue of the will of the testator, has an interest in all the goods and chattels, whether real or personal, in possession or in action of the deceased; and all goods and effects coming to his hands will be assets to make him chargeable to creditors and legatees.

An executor or administrator stands personally responsible for the due discharge of his duty; if, therefore, the property of the deceased be lost, or through his wilful negligence become otherwise irrecoverable, he will be liable to make it good; and also where he retains money in his hands longer than is necessary, he shall be chargeable not only with interest but costs, if any have been incurred.

But one executor shall not be answerable for money received, or detriment occasioned by the other, unless it have been by some act done between them jointly.

An executor or administrator has the same remedy for

for recovering debts and duties as the deceased would have had if living.

Neither an executor or administrator can maintain any action for a personal injury done to the deceased, when such injury is of such a nature for which damages may be received: in actions, however, which have their origin in breach of promise, although the suit may abate by the death of the party, yet it may be revived either by his executors or administrators, who may also sue for rent in arrear, and due to the deceased in his life-time.

By the custom of merchants, an executor or administrator may indorse over a bill of exchange or promissory note.

An executor or administrator may also, on the death of a lessee for years, assign over the lease, and shall not be answerable for rent after such assignment, nor shall he be liable for rent due after the lessee's death, from premises which in his life-time he had assigned to another.

An executor or administrator is bound only by such covenants in a lease as are said to run with the land.

The executor or administrator, previous to the distribution of the property of the deceased, must make an inventory of all his goods and chattels, which must, if required, be delivered to the ordinary upon oath.

He must then collect, with all possible convenience, all the goods and effects contained in such inventory; and whatever is so recovered that is of a saleable nature, and can be converted into money, is termed assets, and makes him responsible to such amount to the creditors, legatees, and kindred of the deceased.

The executor or administrator having collected in the property, is to proceed to discharge the debts of the deceased, which he must discharge according to the following priorities, otherwise he will be personally responsible.

1. Funeral expences, charges of proving the will, and other expenditures incurred by the execution of his trust.

2. Debts due to the king on record, or by specialty.

3. Debts due by particular statutes, as by 30 Car. II. c. 23. Forfeitures for not burying in woollen, mo-

ney due for poor-rates, and money due to the post-office.

4. Debts of record, as judgments (if properly documented according to 4 and 5 W. and M. c. 20), statutes, and recognizances, and those recognized by a decree of a court of equity: and debts due on mortgage, 3 *Pere Wint.* 401.

5. Debts on special contract, as bonds or other instruments under seal, and also rent in arrear.

6. Debts on simple contract, viz. such as debts arising by mere verbal promises, or by writing not under seal, as notes of hand, &c. servants wages, &c.

The executor is bound at his peril to take notice of debts on record, but not of other special contracts, unless he receive notice.

If no suit be actually commenced against an executor or administrator, he may pay one creditor in equal degree the whole debt, though there should be insufficient remaining to pay the rest, and even after the commencement of a suit he may, by confessing judgment to other creditors of the same degree, give them a preference.

Executors and administrators are also allowed, amongst debts of equal degree, to pay themselves first, but they are not allowed to retain their own debt to the prejudice of creditors in an higher degree; neither shall they be permitted to retain their own debts in preference to that of their co-executor or co-administrator of equal degree, but both shall be charged in equal proportion.

A mortgage made by the testator must be discharged by the representative out of the personal estate, if there be sufficient to pay the rest of the creditors and legatees. Where such mortgage, however, was not incurred by the deceased, it is not payable out of the personal estate.

With respect to the payment of legacies, see *Legacies, Administrator, Assets.*

**EXPORTATION.** The laws relative to exports consist principally of prohibitory or restrictive regulations with respect to bullion, corn, wool, tools, raw materials for manufacturing, machinery, &c. the exportation of which might diminish the necessary supply of provisions at home, or enable foreigners to depreciate the wealth of the country by impairing its manufactures.

The duties payable on exportation are either laid upon specific quantities, or in some instances *ad valorem*: as these so frequently fluctuate, it is not consistent with the nature of the present work to enumerate the quantum of the duties upon each specific article either of Export or Import. These laws, therefore, will only be given as they respectively relate to each particular article, in alphabetic arrangement.

ARMS OR AMMUNITION, when prohibited by proclamation, are not to be exported under penalty of forfeiture, and 100*l.* for every 25 of fire arms, and 100*l.* for every hundred weight of ammunition, 29 G. II. c. 16. See *Gunpowder*.

BEER. By stat. 1 G. III. c. 7. s. 5, 6, beer may be exported as merchandize entitled to drawback, and if exported when barley is at or under 24*s.* per quarter, is entitled to bounty, if proved to have been brewed from malted corn, and charged as strong beer.

By stat. 1 William and Mary, c. 22. s. 1, and 1 G. III. c. 7. s. 5, beer intended for exportation is to be shipped upon notice, in presence of the officer, at allowed ports and common quays, and in usual hours.

By stat. 1 W. and M. c. 22. s. 1, and 1 G. III. c. 7. s. 5, the quantity of beer shipped to be certified by such officers to commissioners, who are to allow the drawback within one month after exportation, deducting three-pence per ton for officers charges. The price of barley at the port is the rule for the payment of bounty upon the exportation of strong beer, and not the average price of barley throughout the kingdom. *Whitbread v. Brooksbank*, Cowp. 66.

By stat. 1 W. and M. c. 22. s. 3, and 1 G. III. c. 7. s. 7, all masters of ships are to be charged in their victualling bills with duty for beer to be consumed as stores.

By stat. 1 W. and M. c. 22. s. 2, and 2 G. III. c. 14. s. 4, beer unshipped or relanded after shipping for exportation, to be forfeited, and 50*l.* penalty per cask.

By stat. 27 G. III. c. 31. s. 24, may be exported under the rules and regulations in force, before passing the manifest act of 26 G. III. c. 40.

BRICKS AND TILES. By stat. 25 G. III. c. 74. s. 11, 12, such for which all duties have been paid ex-

ported to foreign parts from lawful quays and in lawful hours, under the prescribed rules and regulations, are entitled to a drawback of the duty.

Before being shipped for exportation, the exporters are to give the officers six hours notice of the time and place, in order that they may attend such shipping. s. 13.

Before being shipped, the exporters are to give security for the due exportation thereof, in treble the amount of the duty, to be drawn back by themselves, clerks, or managers, who are to make oath they believe the duties have been fully paid.

By stat. 25 G. III. c. 74. s. 13, bricks unshipped, landed, or put into any other ship or vessel in Great Britain (unless through unavoidable accident) after being shipped and security given or tendered for the due exportation, are forfeited over and above the penalty of the bond.

CALICOES, LINENS, &c. printed, painted, &c. for which all the duties have been paid, being exported to foreign parts from the lawful quays in lawful hours, and under the prescribed rules and regulations, are entitled to a drawback of the duty, and if intended for exportation, the stamps to be taken off. 12 Anne, c. 9. s. 15, and 25 G. III. c. 74. s. 17.

If intended for exportation, 12 hours notice must be given in London, and 24 hours in the country, of the time and place of package, and the goods must be packed in the presence of an officer, who is to measure the same, see the stamps and frame marks taken off from each piece, fasten and seal the package, and make a return of the quantity to the shipping officer at the port of exportation, 25 G. III. c. 74. s. 17, 19.

None of the above goods are to be packed, unless the duty stamp and frame marks are distinct at both ends of each piece, 25 G. III. c. 74. s. 19.

By stat. 17 and 20 of this act, the above goods may be opened and examined at the port by the officer attending the shipping; but any persons unauthorized, opening the package, or wilfully destroying or defacing the seal after packed and secured for exportation, incurs a penalty of 20*l.*

By 26 G. III. c. 40. s. 16, calicoes, linens, &c. press-packed, are not entitled to any drawback of duty on exportation, unless the master packer or his foreman



foreman shall verify on oath the species of goods and quantities and qualities thereof.

By 25 G. III. c. 74. s. 19, persons shipping the above goods for exportation, are to give the shipping officers *six hours* notice of the time and place, that they may attend the shipping thereof, and the exporters, their clerks or managers, must make oath that they believe the duties have been fully paid, and that they are the same as mentioned in the account sent by the packing to the shipping officer, and within one month after the regular exportation, are to have debentures, entitling them to the drawback; and by sec. 21 of this act, if the above goods are unshipped, landed, or put into any other ship or vessel in Great Britain, after being shipped for exportation, and security given or tendered, they are forfeited over and above the penalty of the bond.

CAMBRICKS and LAWS. By stat. 37 G. III. c. 72. s. 6 and 8, French and cambric lawn being seized, are to be sold for exportation only, and cannot be exported but from London, and in vessels of 100 tons burthen or upwards; and by 5 Geo. III. c. 39. s. 2, goods of this species are not to be exported from Great Britain into the Isle of Man, under penalty of forfeiture.

CANDLES for which all the duties have been paid, by 25 G. III. c. 74. s. 11, 12, being exported to foreign parts from the lawful quays, in lawful hours, and under the rules and regulations prescribed, are entitled to a drawback of the duty; and by sec. 12, 13, and 14, of this act, 12 hours notice is to be given to the shipping officers in London, and 24 in the country, by persons shipping candles for exportation, of the time and place of packing. They must be packed in the presence of an officer, who is to take account thereof, fasten and seal the package, and make a return of the quantity to the shipping officers at the port of exportation. Before shipped for exportation, the exporters are to give the officers six hours notice of the time and place, that they may attend the shipping; and before shipped, security is to be given by the exporters for the due exportation thereof, in treble the value of the duty to be drawn back. Exporters, or their clerks or managers, are to make oath that they believe all the duties have been fully paid, and that they are the same as men-

tioned in the accounts sent by the packing to the shipping officer.

CLOCKS. By 9 and 10 W. III. c. 28. s. 2, no outward or inward box, case, or dial plate of gold, silver or brass, or other metal for clock or watch, without the movement made up and fit for use, and with the maker's name engraved thereon, to be exported, under penalty and forfeiture of 20*l*.

COALS. See general article.

CORN and PROVISIONS. By 42 G. III. c. 13, are prohibited to be exported from any part of the united kingdom, but may be imported or exported to or from Great Britain or Ireland. See *Corn, Ireland*.

CORDAGE. See general article *Cordage*.

COIN of gold and silver of this realm is by various statutes prohibited to be exported. But by 15 Car. II. c. 7. s. 12, foreign coin being duly entered may be exported.

COFFEE and COCOA NUTS. By stat. 35 G. III. c. 118. s. 15, coffee and cocoa nuts to be delivered out of such warehouse for exportation, on security being given for the same not to be reloaded in Great Britain, which security is to be discharged without fee, on a certificate being returned to the commissioners or proper officers of the customs in England and Scotland respectively, under the common seal of the chief magistrate, in any place beyond the seas, or under the hands and seals of two known British merchants, resident where such coffee, &c. shall be landed; or upon proof that the same were taken by enemies or perished in the seas, the examination of the proof to be left to the judgment of the commissioners of customs.

CYDER EXPORTED. By stat. 38 G. III. c. 54. s. 4, before any person or persons shall receive any drawback for or in respect of cyder entered for exportation, in order to obtain any such drawback, the exporter of such cyder, or his, her, or their servant shall, on the debenture, make oath before one or more of the commissioners of excise, or before the collector or other officer of excise, which oath shall be in the words or to the effect following:

"I, A. B. do swear, that, to the best of my knowledge and belief, the above-mentioned hogsheads were put on board the ship or vessel above named, and exported therein, as merchandize to be sent beyond the

seas,

seas, and no part thereof for the ship's use, and that the duties of excise have been charged thereon, and have been paid. So help me God."

**EAST INDIA WROUGHT SILK.** By 5 G. III. c. 39, bengals and stuffs mixed with white silk or herba, of the manufacture of Persia, China, or East India, and calicoes printed, painted, stained, or dyed there, are not to be exported to the Isle of Man.

**GLASS.** By stat. 17 G. III. c. 39. s. 37, makers or others entering broken or waste glass for exportation in order to obtain the drawback, penalty 100l.

By stat. 26 G. III. c. 40. s. 18, no entries for exportation to be allowed, nor any debentures made out but in the names of the real owners, unless a corporation or trading company by joint stock, or that the owners do not reside at the port of exportation, and in such cases agents may be employed.

By stat. 26 G. III. c. 77. s. 3, when glass is intended for exportation, 12 hours notice is to be given in London, and 24 in the country, of the time and place of packing, and if it is to be packed in the presence of an officer, who is to take account thereof, fasten and seal the packages, and make a return of the quantity to the shipping officers at the port of exportation.

For opening the package thereof, or wilfully destroying or defacing the seal after packed for exportation and secured by the officer, penalty 100l.

Glass intended for exportation may be opened and examined by the shipping officers at the port of exportation. S. 4.

Before shipped the exporters are to find security for the due exportation thereof in treble the value of the duty to be drawn back, and must give the officers six hours notice at the time and place that he attend such shipping.

Exporters thereof, one month after the regular exportation, are to have a debenture entitling them to the amount of the drawback.

By stat. 17 G. III. c. 39. s. 37, and 26 G. III. c. 77. s. 3, glass fraudulently unshipped, landed, or put into any other ship or vessel in Great Britain after exported upon drawback, with a penalty of 100l. forfeited over and above the penalty of the bond.

**GRAIN.** The following are the latest regulations relative to the exportation or importation of grain,

meal, flour, &c. between Great Britain and Ireland:

Grain, meal, and flour, by 42 G. III. c. 35, when the average prices, as ascertained according to 31 G. III. c. 30, shall be under those below specified, may be exported in any British or Irish vessel to Ireland.

*From Great Britain to Ireland.*

Wheat	under	54s. per quarter.
Rye	—	37s. —
Barley	—	27s. —
Oats	—	18s. —

*From Ireland to Great Britain.*

Wheat	under	£. 1 15 11 <sup>1</sup> / <sub>2</sub> per barrel.
Rye	—	1 5 6 <sup>1</sup> / <sub>2</sub> —
Barley	—	0 16 8 <sup>1</sup> / <sub>2</sub> —
Oats	—	0 12 6 <sup>1</sup> / <sub>2</sub> —

By s. 6 of this act, the recited acts not hereby altered are to extend to this act.

**HOPS, Foreign.** By 9 Anne, c. 12. s. 23, are to be shipped in British bagging for the purpose of exportation, on penalty of 10l. per cwt.

**HORNS.** By stat. 4 Edw. IV. c. 8, and 7 Jac. I. c. 14, horns British unworked may not be transported or sold to strangers, upon forfeiture of double their value.

**IRELAND.** See *Ireland*.

**LEATHER.** By 25 G. II. c. 27, and 28 G. III. certain sorts of leather and certain wares made thereof, for which the duties have been paid, may be exported to foreign parts, and drawbacks will be allowed accordingly, and the exporters before the goods are shipped are to give security for the due exportation thereof, in treble the value of the duty to be drawn back, and exporters, or their clerks or managers, are to make oath that they believe the duties have been fully paid.

**LEATHER GLOVES AND MITS.** By 6 G. III. c. 19. s. 5, leather gloves and mits of foreign manufacture, seized and condemned, are to be sold and delivered upon sufficient security for exportation.

**LOGWOOD.** By stat. 7 G. III. c. 47, may be exported in British-built ships legally navigated free of duty, if regularly entered and shipped.

**MALT FOR EXPORTATION.** By stat. 12 G. I. c. 4, not to be chargeable with duty. S. 28.

Makers are to keep grain intended to be made into malt for exportation separate from grain made or to be made into malt for home consumption, on forfeiture of 5s. per bushel. S. 49.

By stat. 3 G. III. c. 1, makers as soon as the malt is taken off the kiln, and measured by the officer, are immediately to carry the same on ship-board, or into the locked-up storehouses, on penalty of 50l. S. 17.

By stat. 12 G. I. c. 4, makers are to measure malt out of their locked-up storehouses, on giving forty hours notice, expressing the quantity to be taken out, and the port to which the same is to be removed. S. 53.

Malt is to be exported within nine months after secured in the locked-up storehouses, on forfeiture of 5s. per bushel. S. 57.

By stat. 3 G. III. c. 1. s. 20, makers, within 15 months after beginning to use locked-up storehouses, are to clear out all malt to be exported, and in like manner every subsequent 15 months, on penalty of 50l.

By stat. 12 G. I. c. 4. s. 59, and 33 G. II. c. 7. s. 12, makers, in consideration of their charges for storehouses and admeasurements, are to be allowed 3d. and no more, for every quarter of malt locked up for foreign exportation.

By stat. 1 G. I. c. 2. s. 13, and 6 G. I. c. 21, s. 4, for mixing unmalted with malted corn or grain, or shipping such mixture, forfeit 5s. per bushel.

By stat. 12 G. I. c. 4, makers or persons to whom malt is delivered are entitled to certificates to accompany the removal thereof to the port of exportation. S. 54.

Makers or proprietors, having certificates for the removal of malt, are to deliver the same to the officers of the port of exportation, on penalty of 50l. *Ibid.*

Shippers thereof are to give 48 hours notice of the time of shipping, and specify the ship's name, on forfeiture of 5s. per bushel. S. 57.

By 12 G. I. c. 55, the measuring thereof on ship-board may be attended by excise officers, who are to continue on board until cleared; for obstructing, penalty 50l. S. 58.

Malt being shipped, and the people not at work, the hatches are to be secured under the joint locks of

the officers and proprietors; for breaking the hatches penalty 50l. *Ibid.*

By stat. 12 Anne, c. 2, s. 21, may be exported, upon security given not to reland the same.

Although ground, may be exported, but the quantity to be estimated as before the same was ground. S. 30.

By stat. 12 G. I. c. 4, s. 48, not to be allowed any drawback of duty.

By stat. 3 G. III. c. 1. s. 13, and 32 G. III. c. 18. s. 9, to be allowed bounty for 30 quarters of malt on every 20 quarters of grain, and no more.

By stat. 33 G. II. c. 7, s. 13, the duty thereon is not to be reckoned in the price of malt, so as to affect the bounty.

By stat. 3 G. III. c. 1. s. 14, exporters are entitled to certificates from the excise officers with whom entries are made, expressing the sum to be received as bounty, and on producing such certificates, and giving security to the customs, they are to have debentures to receive the bounty.

By stat. 3 G. III. c. 1, s. 15, and 32 G. II. c. 18. s. 10, malt relanded after being shipped, and security given for exportation, is forfeited, with treble value and the penalties of the bonds, and such malt may be seized by officers either of the excise or customs.

METAL. By stat. 2 and 3 Edw. VI. c. 37, and 5 and 6 W. & M. c. 17, brass, copper, latten, bell-metal, pan-metal, gun-metal, shruff-metal, clean or mixed (except tin and lead), copper and mundick made of British ore, and foreign copper in bars, may not be exported, on forfeiture of double the value, and 10l. for every 1000 cwt.

NAVAL STORES. By order of council, dated Jan. 14, 1801, pig-iron, bar-iron, hemp, pitch, tar, rosin, turpentine, anchors, cables, cordage, masts, yards, bowsprits, oars, oakum, ochre, sheet-copper, or other naval stores, were prohibited to be exported without leave of the privy council, under penalty of forfeiture and treble the value thereof; and the ships, by stat. 33 G. III. c. 2.

MAN, Isle. See *Isle of Man*.

PAPER. All paper for which duties have been paid, being exported to foreign parts by way of merchandize, is entitled to a drawback of the whole duty; such drawback not to be allowed unless such paper

paper be enclosed in the wrapper in which the same was charged. S. 28, 29.

An allowance is to be made of all the duty paid on paper used for books printed at the universities in the Latin, Greek, Oriental, or Northern languages. S. 37.

Stationers, printers, or booksellers, exporting books, ruled account-books, &c. on which the duties have been paid, are to have drawbacks allowed on such exportation; but not unless the water-marks are visible. S. 30, 33, 34.

Such drawback is not to be allowed, unless the paper shall have visible, in the substance thereof, a mark called a water-mark, of the date of the present year of our Lord, in the following figures, 1794, or in like manner of some subsequent year of our Lord; nor is any allowance to be made for books printed at the universities, unless the water-mark be in like manner visible. Nothing herein to affect drawbacks, &c. on paper charged with duty prior to passing this act. S. 31.

Books without the water-mark put up for exportation on drawback, to be forfeited. S. 32.

Persons taking a false oath, in order to obtain any drawback or allowance by this act granted, are liable to the penalties for wilful and corrupt perjury. S. 43.

By stat. 26 G. III. c. 77. s. 5, intended for exportation, the stamps to be taken off each ream or bundle by the officers of excise who shall attend the packing; for obstructing, penalty 50l.

By stat. 20 G. III. c. 74. s. 12, for opening the packages, or wilfully destroying or defacing the seal after packed for exportation, and secured by the officer, penalty 20l.

Before being shipped, the exporter must give security for the due exportation thereof, in treble the duty to be drawn back, and must make oath that he believes the duties have been fully paid. One month after the regular exportation, he is to have a debenture, entitling him to the amount of the drawback. S. 13.

Paper, &c. unshipped, landed, or put into any other ship or vessel in Great Britain (unless through unavoidable accident) after shipped, and security given or tendered for the exportation thereof, is forfeited, over and above the penalty of the bond. S. 15.

PAPER HANGINGS. By stat. 25 G. III. c. 74. s. 11, 12, printed, painted, or stained paper, for which all the duties have been paid, being exported to foreign parts, the exporter is entitled to a drawback of the duty. See *Paper*.

PEARL or POTASH. By 34 G. III. c. 34, his majesty may, by proclamation or order in council, prohibit the export or carrying coastwise of pot or pearl ashes, or any other article useful in the manufacturing of naval or military stores; and all articles exported contrary thereto are forfeited, with treble the value, and the ship.

PROVISIONS. By stat. 41 G. III. his majesty may, by order of council, prohibit from time to time the exportation of any article used as food for man, under penalty of forfeiture, with treble value; and the vessel may be seized.

SALT. By 36 G. III. c. 34, his majesty, by proclamation or order in council, may prohibit from time to time the exportation or carrying coastwise of any sort of rock salt; and if exported contrary thereto, it shall be forfeited, with treble its value, and the ship conveying it.

By stat. 38 G. III. c. 89, warehouses may be used for stowing salt for exportation at Liverpool or Bristol. S. 32, 33.

Salt (rock-salt and foreign salt excepted) for which the duties have been paid or secured to be paid, may be exported. The officer to give the exporter a debenture, expressing the quantity of salt exported, &c. on production of which to the collector of the port, he shall allow a drawback of the duty. S. 78, 79, 80, 81.

By stat. 41 G. III. c. 21, any person or persons, within twelve months after the importation and landing thereof, to take free of duty, for the purpose of immediately exporting the same, in any ship or vessel not of less burthen than 40 tons, to Newfoundland, for curing cod-fish, ling, or hake, to be there caught, any quantity, not exceeding 50 bushels at a time, of foreign salt, from and out of any import warehouse, storhouse, or cellar, at either of the ports of Poole, Dartmouth, Falmouth, or Glasgow, in which the same has been put according to the regulations of the said act, upon the person or persons so taking out any such salt first giving the like bond or security as is in



or by the said act required and directed to be taken for or in respect of salt delivered free of duty for immediate exportation; save and except that every such bond or security so to be taken in pursuance of this act, shall be in treble the amount of the duty by that act imposed for or in respect of imported salt not being of the product or manufacture of Great Britain; and the giving or entering into such bond or security, together with the exportation of such salt to Newfoundland as aforesaid, shall vacate the former bond or security which shall have been given for payment of the duties with which such foreign salt was charged, or to which the same was liable, so far as such last-mentioned bond or security relates to such duty for or in respect of the quantity of salt so taken out of such warehouse, storehouse, or cellar, and exported to Newfoundland as aforesaid; provided always, that such last-mentioned bond shall be and remain in full force and effect as to all the salt specified therein, or to which the same shall relate, except the particular quantity or quantities thereof so taken out and exported to Newfoundland as aforesaid.

**SOAP.** By stat. 25 G. III. c. 74. s. 11, 12, soap for which all duties have been paid, being exported to foreign parts, is entitled to a drawback of the duty.

By stat. 25 G. III. c. 74. s. 12, 14, for opening the packages, or wilfully destroying or defacing the seals after packed for exportation and secured by the officer, penalty 20l. But the packages may be opened and examined at the ports of exportation by the officers attending the shipping. S. 12, 14.

Before soap is shipped, the exporters must give security for the due exportation thereof, in treble the value of the duty to be drawn back. S. 13.

Exporters, or their clerks or managers, are to make oath that they believe the duties have been fully paid, and that such soap is the same as mentioned in the account sent by the packing to the shipping officers. *Ibid.*

Exporters, one month after the regular exportation, are to have certificates or debentures entitling them to the amount of the drawback. *Ibid.*

By stat. 23 G. II. c. 21. s. 31, soap relanded after being shipped for exportation upon drawback, is forfeited, with the vessels, boats, horses, and carriages

employed in landing or removing the same, together with 5l. per cwt.

By stat. 25 G. III. c. 74. s. 15, unshipped, landed, or put into any other ships or vessels in Great Britain (unless through unavoidable accidents) after shipped, or security given or tendered for the exportation thereof, is forfeited, over and above the penalty of the bond.

By stat. 23 G. II. c. 21. s. 27, foreign soap is not to be exported from beyond the seas in any package containing less than 224lb. nor unless stowed openly in the hold of the ship, on forfeiture thereof, and penalty of 50l. to be paid by the master of the vessel. S. 27.

Foreign soap unshipped to be landed before entry is made and duty paid, is forfeited, together with the boats, horses, carriages, &c. employed, and 5l. per cwt. S. 31.

By stat. 23 G. II. c. 21, foreign soap unlawfully imported or relanded, if knowingly kept, harboured, or concealed, is forfeited, and the parties concerned forfeit 50l. per cwt. S. 28, 32.

By stat. 26 G. II. c. 32. s. 8, the penalty for importing the same unlawfully may be stopped by the master out of the mariner's wages, if it appear that they shipped the same without the master's privity.

By stat. 10 Anne, c. 19. s. 19, 12 Anne, c. 9. s. 16, 17, and 33 G. III. c. 77. s. 1, soap, whether hard or ball soap, employed, spent, or consumed in Great Britain in manufactories of flax or cotton, to be free of duty.

**SKINS, BRITISH.** Undressed or untawed British hare-skins, or pieces thereof, British hare-wool, British coney-wool, undressed or untawed British coney-skins, or pieces thereof, are not exportable.

**SPIRITS, from the British plantations.** By 33 G. II. c. 28. s. 4, 5, 6, British plantation spirit, when delivered out of the bonded warehouses for exportation, the officer is to enter an account thereof in his books, and deliver the exporter a certificate, specifying the contents and marks of each cask, with the time when and person to whom delivered; which certificate must be produced to the shipping officer. On the exporter making oath of the exportation thereof, and producing a certificate of the shipping, the bond given for the duty may be cancelled.

If not shipped within twelve hours after delivered out of the bonded warehouses for exportation; or if concealed, the cask opened, or spirits taken out or any ways altered, the whole is forfeited, and the export bond may be put in suit. If altered or reduced after shipped and examined by the officers, the spirits are forfeited, and the person concerned incurs a penalty of 100*l*.

Relanded after shipped for exportation (unless in cases of distress made known to the excise and customs) shall be forfeited, with the casks and other packages containing the same, and the vessels, boats, cattle, and carriages made use of in the landing thereof; and every person who shall procure the same to be relanded, or assist therein, shall forfeit double the amount of the duties charged thereon. And if the master, or any other person belonging to the ship, shall assist therein, he or they shall suffer six months imprisonment: and in case the package of such rum or spirits so entered for exportation shall be altered after the shipping thereof, or before the arrival of the ship at the port of discharge, the master or person taking charge of the same shall forfeit 100*l*. S. 8, 10, 11.

By 19 G. III. c. 22. s. 7, and 28 G. III. c. 37. s. 18, spirits from the British plantations may be shipped as stores free of duty in casks of 100 gallons, and on board ships of 100 tons, upon five days notice; but oath must be made, that they are to be shipped as stores to be consumed in the voyage. Relanded after shipped as stores are forfeited, together with the boats, vessels, and carriages used in landing or removing; the persons assisting, or knowingly receiving same, forfeit treble value; and the master of the ship assisting or conniving at the same incurs a penalty of 100*l*.

**STARCH.** By stat. 26 G. III. c. 74. s. 11, 12, starch for which all the duties have been paid, being exported to foreign parts, is entitled to a drawback of the duties.

To be marked by the officers with a stamp having the word *exportation* denoted thereon; for forging or counterfeiting such exportation stamps, penalty 100*l*. S. 5, 6.

By stat. 25 G. III. c. 74. s. 12, 14, for opening the packages, or wilfully destroying or defacing the

same after being packed for exportation, penalty 20*l*.; but the packages may be opened and examined at the ports of exportation by the officers attending the shipping.

Before being shipped, exporters are to give security for the due exportation thereof, in treble the value of the duty to be drawn back, and to give the officers six hours notice of the time and place of shipping, that they may attend the shipping thereof. S. 13.

Exporters, or their clerks or managers, are to make oath that they believe the duties have been fully paid, and that such starch is the same as mentioned in the accounts sent by the packing to the shipping officers. *Ibid*.

Exporters, one month after the regular exportation, are to have certificates or debentures entitling them to the amount of the drawback. *Ibid*.

Starch relanded, or put into any other ships or vessels in Great Britain (unless through unavoidable accident) after shipped and security given for the exportation thereof, is forfeited, over and above the penalty of the bond. S. 15.

By stat. 26 G. III. c. 51. s. 8, starch stamped for exportation found any where on land (except in the warehouses where the same was purchased, or removing to the ship) is forfeited.

**TALLOW.** By 18 Eliz. c. 9, tallow shipped, with intent to be transported, is forfeited with treble the value; 12 months imprisonment of master and mariners, and loss of their goods, if they are privy to it, and the loss of the ship.

**TEA.** By 29 G. III. c. 59. s. 1, 2, 4, such quantity as the Treasury shall authorize may, upon bond and under legal regulations, be exported with a drawback of duty to Guernsey, Jersey, Gibraltar, or any place on the continent of Europe where a British consul is resident, or to Africa.

By 21 G. II. c. 14. s. 1, tea may be taken out of the warehouses in the original package for exportation to Ireland or America upon bond for the due exportation thereof.

But by 11 G. I. c. 10. s. 26, 30, such tea is not to be delivered out of the warehouses for exportation, but upon security given not to reland; and by 26 G. III. c. 40. s. 18, no entry of tea for exportation is to

be allowed, nor any debenture made out but in the name of the real owner, unless a corporation or company trading by joint stock, or except the owner do not reside within 20 miles of the port of exportation, in which cases an agent may be employed.

By 7 G. III. c. 45. s. 8, 20,000 pounds of black, and 5000 pounds of green tea, may be exported annually from England to Douglas in the Isle of Man, by British subjects in British ships, by licence of the commissioners of the customs; but tea is not to be shipped for exportation from the Isle of Man, on forfeiture of the goods, ships, tackle, &c.

By 26 G. III. c. 40. s. 20, no teas are to be carried or put on board any ships for exportation but by the officers of the revenue or persons licensed by the commissioners of the customs.

By 21 G. II. c. 14, tea delivered for exportation must be accompanied to the ship with a permit, which must be delivered to the searcher or other officer of the customs at the port to which the same is exported.

By stat. 41 G. III. c. 75. s. 1, all teas sold at the sales of the East India Company may be exported to Ireland without payment of duty, if taken out of their warehouse for that purpose, and in a quantity not less than one entire lot.

Such teas not to be delivered for exportation until bond shall have been given for the due exportation thereof (the danger of seas and enemies excepted) to the commissioners of the customs and excise respectively, for at least double the value of the duties. S. 2.

And all persons desirous of exporting teas to Ireland free of duty, shall, at least within 24 hours previous to the delivery thereof, make entry in writing with the collector of the customs and proper officer of excise respectively, specifying the number of the lot or lots, together with the number of each chest or package, weight, quality, and sale price thereof in each lot, the amount of the duties of excise or customs, as the case may require, the name of the ship in which such teas were imported, and also the port from which such teas are entered to be exported; and thereupon the collector of the customs and excise shall take such bond, and give the exporter a proper certificate of the above, and the exporter is to deliver such certificate to the officers who have the

charge of the warehouses in which such teas shall be lodged, and such officers shall deliver a duplicate of such certificate to the accountant of the East India Company, in order to allow the delivery of such teas for exportation without payment of any duty, and such duplicate to be delivered to the said accountant on or before the prompt day; such officers shall, upon request in writing, grant a permit to accompany such teas to the port of exportation. S. 3.

Before any such teas shall be shipped for exportation to Ireland, the exporter shall give 24 hours notice in writing to the proper officers of customs and excise respectively, at the port of exportation, of his intention to ship such teas, number of chests, &c. together with the name of the ship, and the master thereof, in which the same is intended to be exported: teas being exported to Ireland, bonds may be cancelled on the production of a certificate within four months of the date of such bond. S. 4.

No duty is to be taken by the East India Company for teas delivered for exportation to Ireland; and the said company shall be discharged of the duty for all such teas delivered for exportation, upon producing to the proper officers of customs and excise the duplicate or certificate herein before directed to be delivered to the accountant of the said united company. S. 5.

Persons embezzling teas delivered for exportation to Ireland, or unloading the same in Great Britain, after being shipped for exportation, are subject to the penalty of 200l. S. 6.

Persons counterfeiting debentures, certificates, or permits, are by this act adjudged guilty of felony; and persons who shall wilfully alter, erase, or obliterate any such certificate, &c. upon due proof thereof, are subject to the penalty of 200l. S. 7.

**TIN UNWROUGHT.** By 30 G. III. c. 4, exported to beyond the Cape of Good Hope is exportable free of duty, upon security given to land it beyond the said Cape.

**TOBACCO.** By stat. 29 G. III. c. 68, unmanufactured tobacco is not to be exported but from the warehouses at the port of its importation, and in the original packages, and having the manifest and landing marks and numbers thereon; but samples may be exported in separate packages at the times when the original packages are exported. S. 4.

Before unmanufactured tobacco is delivered out of the warehouses for exportation, bonds are to be given to the customs (in which the master of the ship is to join) for the due exportation thereof: such bonds not to be liable to the stamp duty, nor in any case to exceed 30*ol.* S. 40, 41.

Tobacco, either manufactured or unmanufactured, is not to be exported (except to Ireland) in any ship or vessel under 70 tons burden; ship masters entering their ships of the burden of 70 tons when they are not so, incur a penalty of 10*ol.* S. 47.

Manufactured or unmanufactured tobacco being unshipped within four leagues of the coast, or landed after being shipped for exportation (except from unavoidable distress) is forfeited, together with the ships or vessels out of which it is taken, and also the ships or vessels into which it is laden. S. 46.

Bonds given for unmanufactured tobacco entered for exportation, may be discharged on proof that the tobacco was taken by enemies, or perished, or was destroyed by fire at sea. S. 49.

Tobacco entered or shipped for exportation to Jersey, Guernsey, Alderney, Sark, or the Isle of Man without licence from the custom-house, is forfeited. S. 51.

Manufactured or unmanufactured tobacco may, by licence from the custom-house, be exported in British ships of 70 tons burden, to the following islands, viz. Jersey 40,000 lbs., Guernsey 35,000 lbs., Alderney 5,000 lbs., Sark 1,000 lbs., and the Isle of Man 40,000 lbs. annually. *Ibid.*

When manufactured tobacco is intended to be packed for exportation, six hours notice is to be given in London, and 12 hours in the country, of the time and place of packing, and also the quantity of tobacco, and place to which the same is to be exported; and it is to be packed in the presence of the officers, who are to take account thereof, fasten and seal the packages, and make returns of the quantity and sorts to the shipping officers, and also to the searchers of the customs at the port of exportation. S. 128.

Before manufactured tobacco is shipped, the manufacturers are to give security for the due exportation thereof, in treble the amount of the duty to be drawn back; and before shipped they are to make oath that they believe the duties have been fully paid. S. 133.

Exporters thereof, one month after the regular ex-

portation, are to have debentures, entitling them to the amount of the drawback.

WINES. By stat. 26 G. III. c. 59, wines being intended to be packed for exportation, six hours notice to be given in London, and 12 hours notice in the country, of the time and place of packing, and of the quantities and sorts of wines; and they must be packed in the presence of an officer, who is to take account thereof, fasten and seal the packages, and make a return of the quantities and sorts to the shipping officers at the port of exportation. S. 46.

Wines packed for exportation are not to be opened, except by the officers of excise or customs, at the ports of exportation, on penalty of 5*ol.* S. 47, 48.

Exporters are to make oath, before the shipping thereof, that they believe the duties have been fully paid. S. 48.

Before being shipped the exporter must give security for the due exportation thereof in treble amount of the duty to be drawn back. *Ibid.*

One month after the regular exportation, exporters are to have debentures, entitling them to the amount of the drawback. *Ibid.*

Wine being exported, if to Ireland, a certificate of its being landed there is to be produced in six months; to any other part of Europe, in 12 months; America or Africa, in 18 months; and to any place beyond the Cape of Good Hope, in 24 months: such certificate to be under the hands of the officer of the customs, British consul, chief magistrate, or any two merchants, as the case may require; and thereupon the bonds may be cancelled, or they may be cancelled on proof that such wine was taken or perished by sea, or consumed on board ship. S. 49.

Wine unshipped, landed, or put into any other ship or vessel in Great Britain (unless through unavoidable accident), after being shipped for exportation, and security given, is forfeited, over and above the penalty of the bond. S. 48.

By stat. 5 G. III. c. 39. s. 6, wines are not to be imported into, nor exported from the Isle of Man, nor carried coastways there, but in ships of 100 tons, and casks of 25 gallons, on forfeiture of the goods, ships, &c.

By stat. 7 G. III. c. 45. s. 10, are not to be shipped for exportation from the Isle of Man, on forfeiture of the goods, ships, tackle, &c.



By 27 G. III. c. 13. s. 12, wire of gold or silver lace, &c. for which all the duties have been paid, may be exported to foreign parts, and are entitled to a drawback of the duty.

Wool. By 28 G. III. c. 38, reducing into one act all the laws relative to the export of wool, live sheep, &c. rams, sheep, or lambs alive, of Great Britain, Jersey, Guernsey, Alderney, Sark, or Man, are not exportable thence, on forfeiture thereof, and of the ships, and also 3l. per sheep, &c. and the offender to suffer three months solitary imprisonment; for a second offence 5l. per sheep, &c. and six months imprisonment: except wether sheep for ships use only, put on board by licence of the port officer of the customs. By s. 9, wool of the growth of the said isles, woofsels, mortlings, shortlings, yarn, or worsted made of wool, or other manufactures of wool slightly made up, so as the same may be used

again as wool, or mattresses, or beds stuffed with combed wool, or wool fit for combing or carding, on penalty of 3s. per pound of such articles, or 50l. and solitary imprisonment for three months. For a second offence, the same pecuniary penalties, and six months imprisonment.

By the above act, s. 16, there may be yearly exported from Southampton to Jersey of wool uncombed 4,000 tods, to Guernsey 2,000 tods, to Alderney 400 tods, and to Sark 200 tods, each tod not exceeding 32 pounds weight.

By s. 19, no wool, &c. may be put on board any vessel, &c. whereof either any alien or natural born subject, not resident in Great Britain, shall be owner or part owner. Lamb skins ready dressed and prepared, fit and useful for fur and linings, are exempted from the prohibitions of this act. See *Customs, Excise, Import, Smuggling, Tonnage*.

## F.

### F A C

**F**ACTOR. A factor is a merchant's agent or correspondent residing beyond the seas, or in any remote parts in this country; and, in some cases, constituted by letter of attorney to sell goods and merchandize, and otherwise act for his principal, either with a stipulated salary or allowance for his care, or commission. He must pursue his orders strictly, and may be concerned for several merchants. In commissions granted to factors, &c. it is customary to give them an authority in express words to dispose of the merchandize, and deal therein as if it was their own, by which the factor's actions will be excused, though they occasion loss to their principals. Goods remitted to a factor ought to be carefully preserved; and he is accountable for all lawful goods which shall be consigned and come to his hands; yet if the factor buy goods for his principal, and they receive damage in his

### F A C

possession, through no negligence of his, the principal shall bear the loss; and if a factor be robbed, he shall be discharged in account brought against him by his principal. If a factor acts contrary to his orders in selling of goods, he is liable for the loss accrued therein, and shall answer to his principal out of his own estate. No factor acting for another man's account can justify seceding from the orders of his principal, though there may be a probability of advantage by it. If a principal give orders to his factor, that he shall make an insurance on his ship and goods as soon as laden, and having money in his hands, he neglects to make such insurance, if the ship is lost, &c. the factor shall answer for it; so if a factor make any composition with the insurers, after he hath insured the goods, without order or commission from his principal, he is answerable for the loss.

A merchant

A merchant is answerable in an action upon the case for the debts of his factor in selling goods abroad. 1 *Salk.* 282. A bare commission to a factor to sell and dispose of merchandize, is not sufficient for the factor to entrust any person, or to give a further day of payment than is customary and usually allowed for the commodities disposed of.

If a factor buys goods on account of his principal, where he is accustomed so to do, the contract of the factor shall bind the principal to a performance of the bargain; and the principal is the person to be sued for non-performance: but, if a factor enters into a charter-party of affreightment with a master of a ship, the contract obliges *him* only, unless he lades aboard generally his principal's goods, then both the principal and lading become liable, and not the factor. Where a factor, who is authorized to sell goods in his own name, makes the buyer debtor to himself, though he is not answerable to his principal for the debt, if the money be not paid; yet he has a right to receive it, if it be paid, and his receipt is a sufficient discharge; and the factor may enforce the payment by action, and the buyer cannot defend himself by saying, that the principal was indebted to him in more than the amount. *Cowp.* 255, 6.

Lord Mansfield has declared, "that where a factor, dealing for a principal, but concealing that principal, delivers goods in his own name, the person contracting with him has a right to consider him, to all intents and purposes, as the principal; and though the real principal may appear, and bring an action upon that contract against the purchaser of the goods, yet that purchaser may set off any claim he may have against the factor, in answer to the demand of the principal."

Where goods are sold by a factor at his own risk, for which he has an additional allowance, the vendee is not answerable to the owner.

It was held by C. J. Lee, that though a factor has power to sell, and thereby bind his principal, yet he cannot bind or affect the property of the goods by pledging them as a security for his own debt, though there is a formality of a bill of parcel, and a receipt. *Strange* 1178.

If a person employs a factor, and entrusts him to dispose of merchandize, and the factor receives the

money, and dies indebted in debts of a higher nature; and it appears, by evidence, that this money was vested in other goods, and remains unpaid, those goods shall be taken as part of the merchant's estate, and not the factor's: but, if the factor has converted the same into money, it shall be considered as part of the factor's estate, and must first answer the debts of superior creditors, &c. *Salk.* 160.

If a person employ a factor to sell goods, who sells them on credit, and, before the money is paid, dies indebted more than his assets will pay, this money shall be paid to the principal merchant, and to the factor's administrator; but thereout must be deducted what was due for commission; for a factor is in nature only of a trustee for his principal. 2 *Vern.* 638.

Bills to a factor or banker, while unpaid, are in the nature of goods unsold; and, if the factor become bankrupt, must be returned to the principal; subject nevertheless to such lien as the factor may have thereon. 2 *Black. Rep.* 1154.

A factor has a lien on goods consigned to him, not only for incidental charges, but as an item of mutual account for the general balance due to him, so long as he retains the possession. If he be surety in a bond for his principal, he has a lien on the price of the goods sold by him for his principal, to the amount of the sum he is bound for. *Cowp.* 251.

A dyer, merely as a manufacturer, has not a general lien; but a packer, being in the nature of a factor, has. 4 *Burr.* 2214.

A factor has no lien on goods for a general balance, unless they come into his actual possession; and if, in consideration of goods being consigned to him, he accept bills drawn by the consignor, and pay part of the freight, and become insolvent before the bills be due, and before the goods got into his actual possession, the consignor may stop them *in transitu*. 1 *T.R.* 119. If a factor accepts bills drawn by his principal upon the faith of consignments agreed to be made by the principal to the factor, the factor's assignees have no property in such cargo, and cannot recover the produce of it against the assignees of the principal, if the latter have sold it, and received the purchase money. 1 *T.R.* 783. The consignor may stop goods *in transitu*, before they get into the hands of the consignee, in case of the insolvency of the consignee;

signee; but, if the consignee assign the bills of lading to a third person for a valuable consideration, the right of the consignor, as against such consignee, is divested.

A factor has no lien upon goods, unless they come into his actual possession. *Kinloch v. Craig*, 3 T. R. 119. 783.

Goods delivered to a person claiming them wrongfully, who pays freight and other charges, cannot be detained for such expences against the rightful owner. *Lempriere v. Pasley*, 2 T. R. 485.

A principal gives notice to his factor of an intended consignment of a ship to him for the purpose of sale, and in consequence draws bills on him, which the factor accepts; the principal then dies; and his executors direct the captain of the ship to follow his former orders, who thereupon delivers the ship into the possession of the factor, who sells the same. It was held in this case, that the factor has a lien upon the proceeds, as well for the amount of money disbursed by him for the necessary use of the ship on its arrival, and for the acceptances by him actually paid, as for the amount of his outstanding acceptances not then due. *Hammonds* and another, executors of *Blight*, v. *Barelay* and others, assignees of *Fentham*, a bankrupt, 111. 42 G. III. See *Agents*.

**FACTORAGE**, the allowance, commission, or wages given by a merchant to his agent or factor. Factors not being answerable for the debts of those with whom they deal, when they do become answerable, then an extra price or factorage is paid. This addition of the factorage is an insurance for risque, and to allow it is the most satisfactory and respectable mode of conducting the business, as the person who sells goods is generally the best judge to whom he may with safety give credit. See *Broker*, *Brokerage*, *Commission*, *Del Credere*, *Discount*, *Factor*.

**FACTORY**, a commercial establishment in some foreign country, where factors, merchants, and others, carry on business with the natives of the country. Our power and territory in India first began by the establishment of factories, which were by degrees, and with the permission of the native princes, fortified and guarded. The English factory at Smyrna is one of the largest this country has got in any place abroad. There is also a great factory at Lisbon; and in most countries where the spirit of commerce is not

sufficiently great to enable the merchants residing in it to do the business on their own factory, the English have, where permitted, established factories.

**FAIR**, a larger sort of market, or solemn meeting appointed and allowed for the purposes of commerce.

When fairs were first instituted, commerce was on a very small scale; and it was of considerable advantage to mercantile people to have a general rendezvous, where there might be a greater collection of articles for sale than could be kept constantly in readiness. In the great cities of Europe at present almost every article of commercial detail can be had; and therefore fairs are of a very different degree of importance from what they were formerly.

Fairs now kept in England are generally for some particular species of traffic; and that in most cases consists in articles collected for sale that cannot at all times be kept together.

Cattle and horses are always in this country collected at fairs, and they are in some cases almost exclusively the object of them.

In Britain the principal fairs are those of Stourbridge and Bristol. There are other fairs, such as St. Bartholomew, at London, for lean and Welch black cattle; Pancras fair, in Staffordshire, for saddle horses; Whey Hill and Burford, for sheep; Yarmouth, for herrings; Ipswich, for butter; and two cheese fairs at Chipping Norton.

Fairs are only kept once or twice a year; whereas markets are generally kept weekly, and only attended by persons at a small distance, for the ordinary necessities which are wanted, but which small towns or villages cannot regularly keep in readiness.

If any person sets up any fair or market without the king's authority, a *quo warranto* lies against him; and the persons who frequent such fairs, &c. may be punished by fine to the king. 3 Mod. 127.

Also it seems, that if the king grants a patent for holding a fair or market without a writ of *ad quod damnum* executed and returned, that the same may be repealed by *scire facias*; for, though such fairs and markets are a benefit to the commonwealth; yet too great a number of them may become nuisances to the public, as well as a detriment to those who have more ancient grants. 3 Lev. 222.

Fairs are generally kept once or twice in the year :  
and

and it has been observed, that fairs were first occasioned by the resort of people to the feast of dedication; and therefore, in most places, the fairs, by old custom, are on the same day with the wake or festival of that saint to whom the church was dedicated, and, for the same reason, they were kept in the churchyard, till restrained by stat. 13 E. I. st. 2. c. 6. 2 Inst. 221. *Blount*. The court of piepowder is incident to every fair, &c. By stat. 2 Ed. III. c. 15, fairs are not to be kept longer than they ought by the lords thereof, on pain of their being seized in the king's hands, until such lords have paid a fine for the offence; and proclamation is to be made how long fairs are to continue. By stat. 5 Edw. III. c. 5, no merchant shall sell any goods or merchandize at a fair after the time of the fair is ended, under the penalty of forfeiting double the value of the goods sold, one fourth part thereof to the prosecutor, and the rest to the king. Any citizen of London may carry his goods or merchandize to any fair or market in England at his pleasure. See stat. 3 Hen. VII. c. 9; and this Dictionary, title *London*.

It seems clearly agreed, that if a person hath a right to a fair or market, and another erects a fair or market so near his that it becomes a nuisance to his fair, &c. that for this detriment and injury done to him, an action on the case lies, for it is implied in the king's grant that it should be no prejudice to another. 2 *Rel. Abr.* 140.

Also, although the new market be held on a different day, yet an action on the case lies; for this, by forestalling the ancient market, may be a greater injury to the owner, than if he held it on the same day with his. 2 *Saund.* 172. 1 Mod. 69. See title *Market*.

If a man hath a fair or market, and a stranger disturbs those who are coming to buy or sell there, by which he loses his toll, or receives some prejudice in the profits arising from his fair, &c. an action on the case lies. 1 *Rel. Abr.* 106. 2 *Vent.* 26, 28. So if upon a sale in a fair, a stranger disturbs the lord in taking the toll, an action upon the case lies for this. 1 *Rel. Abr.* 106.

The king is the sole judge where the fairs and markets ought to be kept; and therefore it is said, that if he grants a market to be kept in such a place, which

happen not to be convenient for the country, yet the subjects can go to no other; and if they do, the owner of the soil where they meet is liable to an action at the suit of the grantee of the market. 3 Mod. 123. But, if no place be limited for keeping a fair, by the king's grant, the grantees may keep it where they please, or rather where they can most conveniently; and, if it be so limited, they may keep it in what part of such place they will. 3 Mod. 108.

Owners and governors of fairs are to take care that every thing be sold according to just weights and measure; for that and other purposes they may appoint a clerk of the fairs or market, who is to mark and allow all such weights, and, for his duty herein, can only take his reasonable and just fees. See 4 Inst. 274. *Moor* 523. 1 *Salk.* 327.

Fairs and markets are such franchises as may be forfeited, as if the owners of them hold them contrary to their charter, as by continuing them a longer time than their charter admits; by disuse, and by extorting fees and duties where none are due, or more than are justly due. 2 Inst. 220. *Finch* 164. 3 Mod. 108.

As to their interest, it arises chiefly from tolls. Toll payable at a fair or market, is a reasonable sum of money due to the owner of the fair or market upon sale of things tollable within the fair or market, or for stallage, package, or the like. 2 Inst. 222. 2 *Jon.* 207.

But this is not incident to a fair or market without special grant; for where it is not granted, such a fair or market is accounted a free fair or market. 2 Inst. 220. *Cro. Eliz.* 559.

Toll is a matter of private benefit to the owner of the fair or market, and not incident to them; therefore, if the king grants a fair or market, and grants no toll, the patentee can have none, and such fair or market is accounted free. *Co. Eliz.* 558. 2 Inst. 220. S. P. 2 *Lutw.* 1536.

Also the king, at the time he grants a fair or market, grants a toll; and if the same is outrageous and excessive, the grant of the toll is void, and the same becomes free. 2 Inst. 220. 2 *Lutw.* 1536. But the king, after he grants a fair or market, may grant that the patentee may have a reasonable toll; but this must be in consideration of some benefit accruing from



from it to those who trade and merchandize in such fair or market. 2 Inst. 221.

No toll shall be paid for any thing brought to the fair or market before the same is sold, unless it be by custom time out of mind; and in such sale the toll is to be paid by the buyer.

Where by custom a toll is due upon the sale of any goods in a fair or market, and he who ought to pay it refuses, an action on the case lies against him. 1 *Rel. Abr.* 103, 104, 106.

Some persons, however, are exempt from payment of toll; and if the king, or any of his progenitors, have granted to any to be discharged of toll, either generally or specially, this grant is good to discharge him of all tolls to the king's own fairs or markets, and of the tolls which, together with any fair or market, have been granted after such grant of discharge; but cannot discharge tolls formerly due to subjects, either by grant or prescription. 2 Inst. 221.

Also the king himself shall not pay toll for any of his goods, and if any be taken, it is punishable within the statute Westm. 1. cap. 31. 2 Inst. 221: so tenants in ancient demesne are free and quit from all manner of tolls in fairs and markets, whether such tenants hold in fee, or for life, years, or at will. 2 Inst. 221. 4 Inst. 269. 1 *Rel. Abr.* 321.

But this privilege does not extend to him who is a merchant, and gets his living by buying and selling, but is annexed to the person in respect of the land, and to those things which grow, and are the produce of the land. *F. B.* 228. 2 *Leon.* 191. *Cro. Eliz.* 227. 2 Inst. 221. 1 *Rel. Abr.* 321, 2.

By stat. 1 P. & M. c. 7, and 31 Eliz. c. 12, owners of fairs and markets are to appoint toll takers or book keepers, on pain of 40s. and they shall enter and give account of horses sold, &c. See *Tolls, Market.*

On the continent of Europe there are some great fairs, where much business is transacted; and they last for a considerable time, as strangers come from a great distance. Most part of the business at fairs is transacted with ready money, even at the present day; and fairs are attended with this advantage, that new, and often respectable, connections are more easily made there than in almost any other way.

The fairs of Frankfort, Leipzig, Nuremburg, in

Germany; Beaune, Lyons, Rouen, and Bourdeaux, in France, are the principal ones on the continent: besides which there are those of Zurich in Switzerland; Novi and Senegaglia in Italy; Vera Cruz, Havannah, and Porto Bello, in Spanish America.

Fairs are resorted to by strangers for amusement; and in this present day, when commerce is carried on upon so great a scale, it is curious to observe, that they are still attended, in a peculiar manner, by mountebanks, buffoons, &c. In the early days of commerce, merchants were considered as leading the inhabitants of countries in which they travelled into temptation by exposing rare and fine articles, in exchange for which they carried off all the ready money of the inhabitants. It was found necessary, in order to avert popular fury on such occasions, to be attended with persons of such a description as might convert anger into merriment; and, such is the effect of habit when once rooted, that, though long unnecessary, the same practice still prevails, both on the continent and in this country.

In some of the fairs on the continent, called free fairs, those attending them are exempted from arrest, that their business may not be interrupted, nor their affairs suffer injury.

FALMOUTH, the first town in respect to trade and commerce in the county of Cornwall. Independent of fishing (chiefly for pilehards), it is the port for the departure and arrival of the packets to and from the West Indies, Spain, and Portugal.

FEME-SOIE *Trader*, a married woman, who, by the custom of London, trades on her own account, independent of her husband. See *Bankruptcy, Bills of Exchange, Customs of London.*

FERROL, a sea-port town on the west coast of Spain.

It has some trade, and an excellent harbour, capable of receiving ships of war.

FEZ, the capital of the kingdom of Fez, and one of the largest cities in Africa, the centre of the trade of this empire, from whence caravans go to Mecca, with ready-made cloaths, cordovan leather, indigo, cochineal, and ostrich feathers, for which they bring in return silks, muslin, and drugs. Other caravans go to Tumbuctoo and the river Niger. One of them consists of 20,000 men, who travel over dry barren deserts, and every other camel carries water. Their commodities are

salt cowries, wrought silk, British cloth, and the woollen manufactures of Barbary.

**FINANCES**, in French policy, imply the revenues of the public. The situation of the treasury, and of the receipt and expenditure, are called subjects of finance. The word is of late much used and generally understood in this country, so that it probably will in a short time be a word completely adopted in the English vocabulary.

**FINDING**. Any person finding any thing has a special property therein, but he is answerable to the person in whom is the general property, but has a right against every person but the loser. *Amory v. Delamirie*, Str. 505. The finder is not answerable for a mere nonfeasance or neglect; yet, if he makes gain of, or if he rides a horse, or abuses or spoils the things he finds, he shall be answerable.

If bank bills, tickets, &c. stolen or lost, are paid to or delivered to another without consideration, an action lies against any one in whose hands they are found; and the law seems to be the same, though a consideration was given, if the party had previous notice of their being lost or stolen.

If a bill, payable to A. or bearer, be found by B. who for a valuable consideration gives it to C., an action of trover lies against B. to recover the value of the note, but not against C. *1 L. Raym.* 738.

But the property of goods found or stolen, may be changed by sale for a valuable consideration, and without notice, in a *market overt*, and the party purchasing them obtains a title to them against the original owner. See *Customs of London, Bills of Exchange, Fair*.

**FINISTERRE**, a department of France, formed from the west part of the province of Brittany. The principal articles of manufacture are sail cloth, and coarse linens, paper, tobacco, tanning, candles, stockings, and gunpowder. The exportation of coarse cloths is considerable.

**FINLAND**, a duchy of Sweden, bounded by the gulph of the same name on the south, that of Bothnia on the west, Laponia on the north, and Russia on the east. The soil is tolerably fertile, but badly peopled and cultivated. It has considerable trade in pitch and tar, timber and whale oil. Here also are built some vessels, and there is also a valuable pearl-fishery.

**FIRE**. See *Insurance*.

**FISH, FISHERIES, and FISHERMEN**. This most important division, whether considered with reference to political economy, or as conducive to the perfection of the maritime state, has at various times occupied that attention of the legislature which an object of so much national concern so justly demanded. Fisheries have been most appropriately termed by Dr. Franklin, the agriculture of the ocean; nor, with respect to population, which is allowed by all writers to constitute the true wealth of a state, are they less productive than the cultivation of the soil. The fisheries of America are considered by the writer above quoted, as one of her highest advantages; the fertile source of population and of wealth: it was to her fisheries also, that Holland was indebted for her commercial and political consequence; and whether considered as a source of national wealth, as a nursery for her seamen, and a ready means of manning a formidable navy, her fisheries are of the highest importance to Great Britain.

**GREENLAND FISHERY**. By stat. 26 G. III. c. 41, British ships going on the whale fishery must be visited by an officer of the customs, who shall take an account of the tonnage thereof by admeasurement, and certify his visitation, and examination and admeasurement, to the commissioners of the customs; and if it shall appear by that certificate that the ship is legally qualified for the voyage, by being navigated by a master and three-fourths British subjects, and hath on board such a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery, as hereinafter mentioned; and if it further appears by the oath of one or more owners, and of the master or chief officer of such ship or vessel, written at the foot of such certificate, and made before the principal officer of the customs of such port, or any two of them, the collector whereof to be one, that it is the intention to proceed forthwith thereon, and to import whale fins, &c. into Great Britain, the commissioners, on security being given, may grant licence to the ship.

Every ship of the burthen of 200 tons designed for this fishery, shall have on board 40 fishing lines of 120 fathom each, 40 harpoon irons, four boats with seven men at the least (including a harpooner, a steersman,

steersman, and a line manager) to each boat, making in the whole 28 men, besides the master and surgeon, with six months provision at the least for such number of men; and every ship of larger burthen, an increase of six men, one boat, 10 such lines, and 10 harpoon irons more, for every 50 tons above the said 200 tons, together with provisions in proportion; and every ship which shall be so employed in the said fishery, shall have on board apprentices indentured for the space of three years at the least, who shall not exceed the age of 18 years, nor be under 14 years of age, at the time they shall be so indentured, in the proportion of one apprentice at the least for every 35 tons burthen, and one fresh or green man for every 50 tons burthen; which apprentices and fresh and green men shall be accounted in the number of men required to be on board such ship. S. 2.

On the return of such ship to Great Britain, the proper officer of the customs shall certify the condition of such ship and her lading, with his observations thereon, and also the real tonnage of the said ship; and take an account or schedule of the names of the master, mate, and other persons on board, and certify the same; and oath being made before the principal officer of the customs, or any two of them, whereof the collector to be one, by the master and mate, that they did, pursuant to the licence, proceed on the voyage directly, and have not deviated from the conditions upon which the certificate was granted, and that all the whale fins, oil, and blubber, imported, were really and *bona fide* caught in the said seas by the crew of such ship or vessel only, or with the assistance of the crew of some other British built ship licensed for the same voyage, pursuant to the directions of the act; which oath shall be indorsed on or annexed to the licence; and the schedule, certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port to the respective commissioners where such ships shall arrive; who shall, on demand, cause payment to be made to the master or owners, or his or their assigns, by the receiver-general of that port where such ships shall arrive, a bounty or premium of 30s. per ton, according to the admeasurement of such ship duly certified as aforesaid. S. 3.

No person shall be entitled to receive the bounty

aforesaid unless such ship shall sail from the port whence she cleared on or before the 10th of April in each year, and continue in the Greenland Seas, Davis's Straits, or seas adjacent, endeavouring to catch whales, and not depart thence before the 10th of August next following, unless such ship, if 300 tons, be laden with 30 ton of oil, or blubber in proportion, and one ton and a half of whale fins, and so on in like proportion to the tonnage for which such ship is entitled to bounty, or be forced by accident to depart those seas; to be verified on oath by the master and mate on her return, before two principal officers of the customs (the collector being one). S. 4.

If any ship was fitted out and ready for sailing before the time above-mentioned, but was prevented by unavoidable impediment, and shall have sailed before the 25th of April; the commissioners may pay such bounty as if such ship had sailed prior to the 10th of April. S. 5.

Owners of ships of 150 tons employed in the fishery, conforming to the rules and forms prescribed in proportion to their tonnage, not less, however, than 150 tons, shall be entitled to the bounty agreeable to the ship's measurement. S. 7.

No ship above the burthen of 400 tons shall receive a larger bounty than a ship of 400. S. 8, 10.

No bounty shall be allowed to any ship where a log-book has not been properly kept.

In case any ship shall fall in with any of his majesty's ships of war, the master shall produce to the commanding officer of such ship of war the ship's log-book, and in case such ship shall put into a foreign port where there is a British consul or officer, the master shall produce such log-book to such British consul or officer, who shall make a memorandum, and subscribe as before. S. 11.

The owners may insure the bounty in case of the loss of the ship. S. 13.

Whale fins, oil or blubber of whales, seal oil or seal skins, or any other produce of seals or fish caught in the seas of Greenland or Davis's Straits, or parts adjacent, may be imported duty free.

No articles to be imported duty free, unless the master or mate of the ship importing the same, shall first make oath before the collector and another officer

cer of the customs, in the port of importation, that all the whale fins, oil, &c. imported, are *bona fide* the produce of whales caught and taken in the Greenland Seas, or Davis's Straits, or seas adjacent, by the crews of such ships, owned, fitted out, and navigated as aforesaid. S. 15.

Persons granting a false certificate for any of the purposes directed by this act, shall forfeit the sum of 500l.; and if any person shall counterfeit, erase or alter any certificate directed by this act, or knowingly make use of any false certificate, such persons shall forfeit 500l. and the certificates be of no effect. S. 16.

No harpooner, line manager, or boat steerer, belonging to any ship in this trade, shall be impressed from this service, but may, when unemployed therein, sail in the collier trade on giving security to return the next season. And common seamen are protected till the end of the season after entry. S. 17.

*The Greenland Seas, Davis's Straits, and seas adjacent*, shall be deemed and extend to the latitude of 59 deg. 30 min. north, and no farther. S. 18.

The commissioners of the customs for England and Scotland shall, at the beginning of every session of parliament, lay before both houses the number of ships or vessels employed in the said fishery, with their names and burthens, where fitted, and at what port discharged; also what quantity of oil or blubber, or whale fins each ship shall have imported. S. 19.

By 29 G. III. c. 52. s. 2, ships to be entitled to the bounties granted by 26 G. III. that shall sail by April 10th yearly, though they leave the Greenland Seas or Davis's Straits before August 10th following, and shall not be laden agreeable to the regulations of the above recited act, in case it shall appear by the log-book of such ship, that she continued with her crew in the said seas, diligently endeavouring to catch whales, &c. and did not depart from thence till the expiration of 16 weeks from the time of her sailing from the port where she shall have been surveyed and cleared out, provided such ship shall not have touched at any other port during her voyage, and shall have complied with all the other regulations, conditions, and restrictions, imposed by the said act.

By 29 G. III. c. 53. s. 5, any master permitting an apprentice indentured pursuant to the preceding

acts to quit his service before the expiration of his term, to forfeit 50l. S. 5.

Unless such apprentice be discharged before a magistrate, or turned over to another master employed in the said fisheries. S. 6.

No bounty or premium to be paid under the above acts, unless the names of the ships on board which apprentices are bound to serve, be inserted in the indentures. S. 7.

In case the time for which any apprentice shall have been indentured to serve on board any ship or vessel employed in the said fisheries, shall expire during the voyage of such ship or vessel, such apprentice shall be accounted and considered, to all intents and purposes, as an apprentice for the whole voyage, and shall, on the ships or vessels return from the said fisheries, be mustered accordingly. But no apprentice shall be deemed a legal apprentice, except apprentices who have become such previous to the passing of this act, unless they shall be subjects of his majesty.

Fins, oil, or blubber, seal oil or seal skins, or any produce of seals, or other fish or creatures, taken or caught in any part of the ocean by British subjects, usually residing in Great Britain or Ireland, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, in ships or vessels built in either of the said kingdoms or islands, owned, registered, and navigated according to law, may be imported duty free, upon proof being made that the said articles were actually caught by the crew of the vessel in which they are imported, by oath of the master of such vessel, and provided that a log-book shall be constantly kept on board such ship, as required by 26 G. III. S. 4.

No boat used as a whale boat belonging to any vessel employed in the said fishery, or in the fishery carried on in the seas to the southward of Greenland and Davis's Straits, shall be liable to seizure on account of her built, dimensions, or construction, provided on the return of such ship or vessel from the fisheries at the end of every season, such boats shall be laid up by the owners thereof, in such places as shall be approved of by the principal officers of the customs. S. 6.

By stat. 41 G. III. c. 97, this act is continued to 25th December 1802.



SOUTHERN WHALE FISHERY. By stat. 35 G. III. c. 92, and 42 G. III. c. 18, the several premiums hereafter mentioned shall be paid to 16 ships or vessels employed in the said fishery, under the restrictions hereinafter expressed; that is to say, every such ship or vessel shall appear by her register to be British built, and shall be fitted and cleared out from some port of Great Britain or Ireland, or the island of Jersey, Guernsey, or Man, and shall be wholly owned by his majesty's subjects usually residing in any of the dominions aforesaid, and navigated as hereinafter directed.

For 12 of such ships or vessels, which shall be so fitted and cleared out between the 1st day of January and the 31st day of December 1802, and between the 1st day of January and the 31st day of December in each of the three succeeding years, and shall sail to the southward of the equator, and there carry on the fishery, and shall return before the 1st day of December in the year subsequent to that in which they cleared out to some port in Great Britain, there shall be paid and allowed 300*l.* to each of the four such ships which shall so sail and first arrive within the times herein-before-mentioned with the greatest quantity of oil or head-matter, taken together being not less in the whole than 20 tons in each of such ships or vessels, and being the produce of one or more whale or whales, or other creatures being in those seas, taken and killed by the crews of every such ship or vessel respectively; and there shall be paid 200*l.* to each of the four such ships or vessels which shall in like manner sail and first arrive with the next greatest quantity of such oil or head-matter, taken together being not less in the whole than 20 tons in every such ship or vessel, and being the produce of any whale or whales, or other creatures being in those seas so taken as aforesaid; and there shall be paid and allowed 100*l.* to each of the four such ships or vessels, and which shall in like manner sail and first arrive with the next greatest quantity of such oil or head-matter, taken together being not less in the whole than 20 tons in every such ship or vessel, and being the produce of any whale or whales, or other creatures being in those seas so taken as aforesaid. S. 2.

For four other such ships or vessels which shall be

so fitted or cleared out, and shall sail within the times herein-before mentioned, and proceed to the southward of 36 degrees of south latitude, and shall there *bona fide* carry on the said fishery, and shall not return till after the expiration of 14 calendar months from the day on which they cleared out, but before the 31st day of December in the second year after their clearing out to some port in Great Britain, there shall be paid and allowed 400*l.* to each of such ships or vessels which shall so sail and arrive within the times herein-before last mentioned, with the greatest quantity of oil and head-matter, taken together being not less in the whole than 20 tons, and being the produce of any whales or other creatures being in those seas, and taken and killed by the crew of such ship or vessel. S. 3.

By 35 G. III. c. 92. s. 7, every such ship shall be navigated by persons, of whom the master, and at least three-fourths of the mariners are his majesty's subjects, usually residing in Great Britain, Ireland, Guernsey, Jersey, or Man; or if such ship shall clear out from any port of Great Britain, then such ship may be navigated by persons being protestants, and who, not being subjects of his majesty, have been heretofore employed in carrying on the said fishery, and who shall at the time of clearing out take the oath of fidelity and allegiance to his majesty, and also make oath before two or more principal officers of the customs, of which the collector is to be one, at the port where such ship shall so clear out, if it is their first voyage from any port of Great Britain, that they have already established, or that it is their intention to establish themselves and their families in Great Britain, as inhabitants thereof, and subjects of his majesty; and if it shall be their second or any subsequent voyage, that they actually have established themselves and their families in Great Britain, and have taken the oath of fidelity and allegiance to his majesty as aforesaid.

By 35 G. III. c. 92. s. 8, 9, 10, no premium shall be paid on account of any ship, employed in the aforesaid fisheries, unless such ship shall have on board an apprentice, indentured for three years at the least for every 50 tons burthen; every such apprentice not exceeding the age of 18 years, nor being under 14 years at the time he shall be so indentured, and having proceeded

ceeded on and continued the whole of the voyage, both out and home, for which any such premium shall be claimed, unless such apprentice died or deserted in the course of the voyage; which facts shall be verified by the oath of the master, the mate, and two of the mariners belonging to such ship, unless by reason of some unavoidable accident (proof whereof shall be made to the satisfaction of the officers of the customs herein-after mentioned) two mariners cannot be procured, and then by the oath of the master and mate, taken before two or more of the principal officers of the customs, at the port to which such ships shall return (of which the collector is to be one).

Masters permitting apprentices to quit their service, on any pretence whatever (except as hereinafter is provided), before the expiration of the term for which they shall be bound, shall forfeit for each offence gold except such apprentice shall be legally discharged before a magistrate, or turned over from one person to another concerned in either of the aforesaid fisheries, to serve the remainder of his time in such fisheries, pursuant to the directions of this act: provided also, that no bounty or premium shall be paid in any case, unless there be inserted in the indenture of each apprentice, indentured by virtue of this act, or turned over from one person to another, pursuant to this act, the name of the ship on board of which such apprentice is bound to serve.

In case the time for which any such apprentice shall have been indentured shall expire during the voyage, such apprentice shall be accounted and considered, to all intents and purposes, as an apprentice for the whole voyage, and shall on the ship's return be mustered accordingly. S. 10.

No premium shall be paid on account of any ship employed in the said fishery, unless a log-book shall have been regularly kept on board, in which log-book the various situations and occurrences during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distance therefrom, and the soundings; and also the time when, and the latitude in which any whale or other creature living in the sea, shall have been killed, taken or caught by the crew; which log-book shall be de-

livered by the master or commander of such ship, at the time of his making a report to the collector of the customs at any port in Great Britain where such ship shall arrive on her return from the said fishery; and the said master or commander of such ship, together with the mate thereof, shall jointly and severally verify on oath the contents of such log-book before such collector. S. 11.

In case any such ship shall, in the course of her voyage, meet with any of his majesty's ships of war, the master or commander shall produce to the captain or other officer commanding such ships of war the said log-book; and such captain or commanding officer shall make a memorandum in such log-book of the day on which it was so produced to him, and shall subscribe his name to such memorandum; and in case such ship or vessel, on board of which the log-book is required to be kept as aforesaid, shall put into any foreign port where there shall be a British consul, or other chief British officer, the master or commander thereof shall produce such log-book to such British consul, or other British officer, who shall also make a memorandum therein of the day on which it was so produced to him, and shall, in like manner, subscribe the same. S. 12.

The master, mate, and two of the mariners belonging to every such ship, or the master and mate only (if by some unavoidable accident, proof whereof shall be made to the satisfaction of the officers of the British customs herein-after mentioned, two mariners cannot be procured), shall, upon the importation into Great Britain of any oil or head-matter, taken in the said fishery, declare upon oath, before two or more of the principal officers of the customs at the ports of their arrival, of which the collector shall be one, from what port, and the time when such ship cleared out, and that all such oil or head-matter so imported is the produce of whales, &c. actually and *bona fide* taken and killed by the crew of such ship only, at the times and in the latitudes respectively mentioned and set down in the log-book.

In case the master or commander of any ship or vessel whatever, fitted out as aforesaid, shall knowingly receive, or suffer to be received on board such ship, for the purpose of obtaining any one of the said premiums, any oil, head-matter, or any other produce  
whatever;

whatever, not being the produce of whales, &c. really and *bona fide* caught and taken by the crew of such ship or vessel only, such master or commander shall forfeit 500*l.* one moiety to the person discovering the same, provided such person shall give information of the offence within one month after such ship or vessel shall have been reported at the customs; and the master or commander of such ship or vessel is to make such report in the usual time, and in the manner in which all trading ships or vessels are reported, before the proper officers of the customs; and the owners of such ship shall, in case at the time such intimation shall be given, any sum of money be due to such master or commander, keep and detain, and pay the same (towards discharging the same penalty) to the collector or other principal officer of the customs at such ports; and if such owners pay any, or shall otherwise account for any such sum or sums of money, with any master or commander of any ship or vessel, before the expiration of one month after the report shall have been so made at the custom-house as aforesaid, and such master shall be liable to the penalty aforesaid; such owners shall make good and pay the same towards discharging the aforesaid penalty into the hands of the collector or other principal officer of the customs, in manner before directed. S. 14.

In case any whales, &c. shall be caught to the northward of the equator, or of the thirty-sixth degree of south latitude, by the crew of any of the ships or vessels to which the above or other premiums are given; or in any part of the Atlantic ocean, by the crew of the ships or vessels going round or doubling Cape Horn, either on the voyage out or return home, the oil or head-matter produced from such whale, &c. shall be considered as part of the quantity of the oil and head-matter required to be taken and imported as aforesaid, to entitle the owner of such ship to some one of the premiums herein-before granted. S. 15.

The commissioners of the customs in England and Scotland are to pay the premiums. S. 16.

No premiums shall be paid, unless claimed within two months; the claim to be made in writing, and the requisite of the law having been complied with, the same shall be paid in one month after making such claim. S. 17.

Ships concerned in this fishery may sail and pass for that purpose to the eastward of the Cape of Good Hope, and to the westward of Cape Horn, or through the Straits of Magellan. (But see 42 G. III. c. 18, at the conclusion of this article, where these boundaries are enlarged.)

Every ship intending to sail to the eastward of the Cape of Good Hope, or to the westward of Cape Horn, or through the Straits of Magellan, shall be obliged to take a licence for each respective voyage from the East-India company, specifying which of the said voyages such ships shall be licensed to perform; and such licence shall be valid only for the voyage therein expressed: the person applying for such licence shall deliver to the court of directors of the said company a manifest or certificate, under the hand of the collector or comptroller, or other chief officer of the customs, belonging to the port from whence such ship is intended to clear out, verified by the oath of the owner or master, specifying their names and places of abode, and also the species, quantity, quality, and value, of all goods then on board of such ship, and of all goods (if any) intended to be afterwards taken into or on board of the same after her departure outwards; and also unless it shall, by such manifest or certificate, appear unto the said court of directors, that no goods or merchandizes whatever (save and except the stores of such ship or vessel, and the tackle, materials, and other things necessary for the purpose of the voyage) are taken, or intended to be taken on board; and the owners of such ships, or the major part of them, shall enter into a bond in the penalty of 2000*l.* with a condition to be thereunder written, for payment of 100*l.* (over and above the forfeitures and penalties herein mentioned) in case any goods or merchandizes whatsoever (except the stores, tackle, materials, and other things necessary for the voyage) shall be taken into or put on board such ship upon her outward voyage; or in case such ship shall have taken on board, on any part of the voyage homeward, before her arrival in Great Britain, any goods or merchandizes of the growth, produce, or manufacture of the East Indies, or any islands, ports, towns, or places between the Cape of Good Hope and the Straits of Magellan, to the value of 100*l.* and upwards (except such provisions,

visions, stores, clothing, &c as it may, at any time during the voyage, have become necessary to take on board for the sole use of the crew). S. 21.

Ships going beyond the above-mentioned limits, unless driven beyond the same by stress of weather, or other inevitable accident; or being so driven shall not return back with all convenient speed within the limits before prescribed; or if any ship so licensed as above shall take on board before her return any manufactures, goods, or merchandizes, except such as shall have been described and specified in the manifest or certificate; such ship, goods, merchandizes, and effects on board the same, the owner, master, and crew shall be subject to the several provisions, regulations, penalties, and forfeitures, as imposed by the act against persons who shall traffic, trade, or be found in the East Indies, or other places within the limits of the company's exclusive trade, without licence having been first obtained from the said company. S. 22.

Owners, master, or crew, acting contrary hereto, shall not afterwards be entitled to any future licence for the same, or for any other ship or vessel. S. 23.

If any ship, licensed as aforesaid, shall touch at St. Helena, or be found within the limits above described, the governor of St. Helena, or the commander of any ship or vessel in the service of the said company, or any person authorized by them respectively, or any agent specially authorized for that purpose by the East-India company, and residing at any place within the limits before described, may search such licensed ship or vessel, to see if any goods or merchandizes shall be on board her contrary to the provisions of this act; and in case any such shall be found, the same shall be forfeited to the company, and the owner and master thereof shall be liable to all other penalties and forfeitures for trading contrary to the said company's charters, and such goods and merchandizes may be seized by the company, or any of the persons aforesaid. S. 24.

Within thirty days next after the return of any ship from a fishing voyage to the eastward of the Cape of Good Hope, the master thereof shall deliver to the secretary of the said company a certificate, under the hand of the collector or comptroller, or other chief officer of the customs belonging to the

port where the said ship shall arrive, verified by the oath of the said master, that no goods or merchandizes whatever, of the growth, produce, or manufacture of any place or places in the East Indies, China, or elsewhere, between the Cape of Good Hope and the Straits of Magellan, except oil, head-matter, or bone of the whales or other fish, ambergris, or seal-skins, have been taken on board such ship during the said voyage; but in case any such goods and merchandizes shall have been taken on board the said ship during the said voyage, then the said certificate shall specify the species, quantity, quality, and value of all such goods and merchandizes, and the cause of taking the same on board; and the owner of such ship shall not be entitled to any bounty under the authority of this act, until such certificate shall have been delivered to the said secretary, and such delivery shall have been proved by a production of his receipt for the same.

Every ship intending to navigate within or frequent any part of the seas comprized in the boundaries of the exclusive trade of the South-Sea company, as described by an act of the ninth year of queen Anne, shall be obliged to take a licence for such voyage from the said company; and every vessel navigating such seas without such licence, shall be liable to such forfeitures and penalties as are created and enacted by the said act. S. 26.

Such ships or vessels as shall be so fitted and cleared out for the purpose of doubling the Cape of Good Hope, or Cape Horn, or passing through the Straits of Magellan, not being of less than two hundred tons burthen, may be properly furnished with arms and ammunition for resistance and defence, provided the owners of such ships, before clearing out, shall obtain a licence from the lords of the admiralty authorizing the same.

The said lords of the admiralty are empowered to grant such licence for arming in such cases as to them shall seem fit and proper: provided that there shall have been exhibited to them a certificate, under the hands and seals of the commissioners of customs, testifying, that such ship or vessel is entered out for the purpose of doubling the Cape of Good Hope, or Cape Horn, or passing through the Straits of Magellan; and provided also, that the owner or owners



of such ship or vessel shall have entered into a bond, with two sufficient sureties, in the sum of 1000*l.* with condition that such arms and ammunition shall not be used for any unlawful purpose, but merely for resistance and defence in cases of any involuntary hostility. S. 28.

No ship shall be entitled to more than one of the premiums hereby granted, though such ship shall make two voyages within any one of the said periods. S. 29.

No premium whatever shall be paid to the owners of any ship, unless it shall appear by certificate from the proper officers of the customs, that such ship was visited, and the crew by them respectively mustered, as well before the clearing out for the said fishery as on her return; nor unless she shall have been duly registered, pursuant to the act of 26 G. III. c. 60.

Upon the return of every ship from the fisheries aforesaid, in case there shall be any reason to suspect that such oil or head-matter is mixed with water, or any other materials, in order to increase the quantity thereof, the collector, or other principal officer or officers of the customs, at the port to which such ship shall so return, may nominate and appoint one or more (as the case may require) skilful person or persons to examine such oil or head-matter; and if it shall appear that there has been mixed with such oil or head-matter any water, or any other material whatever, whereby the quantity thereof is increased, the owner or owners shall not be entitled to any of the premiums granted by this act; and over and above the loss of the premium, such oil or head-matter shall be forfeited and lost, and shall be seized by any officer of his majesty's customs; and if any dispute shall arise whether there hath been mixed with such oil or head-matter any water, or any other materials whatever, the proof shall lie on the owner or claimer of such oil or head-matter, or persons claiming the premiums, and not on the officer who shall seize or prosecute the same. S. 32.

Before any of the premiums shall be paid or allowed to any person or persons whatever, the exact quantity of oil or head-matter taken together shall be truly ascertained by the proper officer of the customs, and such quantity shall be certified to the com-

missioners of the customs in England and Scotland respectively. S. 33.

No harpooner, line-manger, or boat-steerer belonging to any ship or vessel fitted out on the aforesaid fishery shall be impressed so long as he shall belong to and be employed on board any ship or vessel whatever in the aforesaid fishery. S. 34.

No boat used as, and commonly called a whale boat, belonging to any ship or vessel employed in the said fishery, shall be liable to seizure on account of her dimension or construction, provided, on the return of such ship or vessel from the fishery, such boat shall be laid up in such place as shall be approved of by the principal officers of his majesty's customs of the port at which such ship or vessel shall arrive, and shall not be employed or made use of in any way whatever but in the said fishery. S. 35.

*Privileges of Foreigners employed in this Fishery.* If any persons, not exceeding forty families, not being subjects of his majesty, who have been heretofore employed in carrying on the said whale fishery, and being the owners of any ship or vessel, and intending to reside, together with their families (not exceeding forty families in the whole), in this kingdom, for the purpose of continuing to carry on such fishery from thence, shall, on or before the 31st of December 1805, come to the port of Milford in the county of Pembroke, with their families, and shall bring any ship or vessel, or number of ships or vessels, not exceeding twenty in the whole, to the said port of Milford, built before the 1st of January 1798, and manned severally with any number of seamen or fishermen, not less than twelve in number, having been heretofore employed in carrying on the said fishery, and it shall be made appear to the satisfaction of the commissioners of his majesty's customs, or any four of them, by the oath of such owners respectively, and by other means, that he or they have been so employed in carrying on the said fishery for three years previous to his or their arrival; and that he or they, together with his or their family (if any they shall have) are then actually resident in this kingdom; and that twelve such seamen or fishermen at the least are brought into Great Britain in every such ship; and the same shall be certified by the said commissioners to his majesty: his majesty, with the

advice of the privy council, may allow the cargoes of oil, head-matter, fins, &c. imported in any such vessels, not exceeding twenty in the whole, which shall arrive from a fishing voyage, to be admitted to entry on payment of the same duty as oil, head-matter, and fins of British fishing; and to allow any goods, furniture, and stock which shall be necessary to their whaling outfit, and which shall be part of the property of the said owner or owners, imported in any such ships, and arriving from the late residence of the said owners, to be admitted to an entry without payment of any duty whatsoever; provided that the owners of such ship or vessel as shall be allowed to enter a cargo on the British instead of the foreign duty, shall give bond to the commissioners of the customs, to the full amount of the difference between the two duties, that he or they will reside during three years in Great Britain, and will not absent himself or themselves from the kingdom during that term, without leave of his majesty, by and with the advice of his privy council, except on the prosecution of a fishing voyage from and to this kingdom.

If any person, not being a subject of his majesty, and being the owner, in part or in the whole, of any ship or vessel so admitted to entry, shall fit the said vessel for a whaling voyage from the port of Milford, in the county of Pembroke; and shall go before some justice of the peace for the said county of Pembroke, or before the principal officer of his majesty's customs in the new port of Milford, and shall take the oath of allegiance to his majesty, and shall obtain a certificate of his having taken such oath; it shall be lawful for his majesty, by and with the advice of his privy council, to order such ship or vessel to be registered, and to have a certificate of registry, in the same manner as any British ship or vessel; and every such ship or vessel shall, during the time that such owner shall continue to have his residence, together with his family, within this kingdom, or during the time that such ship or vessel shall be owned by any natural-born subject or subjects of this kingdom, and be duly registered, enjoy all the privileges and advantages, and be entitled to all the bounties and premiums granted to any British ship or vessel employed in the whale fishery, subject nevertheless to the same rules, regulations, restrictions, penalties,

and forfeitures: and every such person shall have and enjoy the rights, privileges, and advantages of natural born subjects of Great Britain, in like manner, and subject to the like disabilities, as the same may be granted to aliens by a special act of parliament; provided always that such owner, not being a subject of his majesty, shall prove in manner directed in the act passed in the 26th year of George III. c. 60, by taking the oath, or making (if a quaker) the declaration herein-after mentioned, instead of the oath required by the said act; and shall also conform to all the other regulations respecting the registry contained in the said last-mentioned act.

By stat. 42 G. III. c. 104, the act relative to foreign fishermen residing at Milford Haven is extended to December 31, 1805.

If any person whatever shall knowingly give or grant any false certificate or certificates, for any of the purposes of this act, such persons shall forfeit 500l. and be rendered incapable of serving his majesty in any office whatever; and if any person shall counterfeit, erase, alter, or falsify any certificate, he shall for every such offence forfeit 500l.; and every such certificate shall be invalid. S. 38.

By stat. 42 G. III. c. 18, any ship or vessel fitting and clearing out, and licensed conformably to the preceding acts, and sailing to the eastward of the Cape of Good Hope, and having passed beyond 123 degrees of east longitude, may pass to the northward as far as one degree of northern latitude, but no further to the northward, until such ship or vessel shall have sailed or passed to the eastward of 180 degrees of east longitude from London.

FISHERIES OF NEWFOUNDLAND. By stat. 10 and 11 W. III. c. 25, s. 1, all his majesty's subjects within the realm of England, or the dominions thereunto belonging, may trade to Newfoundland, and the seas, rivers, lakes, creeks, and harbours thereunto belonging, or any of the islands adjoining, and may have, use, and enjoy the free trade and traffic, and art of merchandize and fishery, to and from Newfoundland, and the freedom of taking bait and fishing in any of the rivers, lakes, creeks, harbours, or roads, in or about Newfoundland and the said seas, or any of the islands adjacent thereto, with liberty to go on shore on any part of Newfoundland, or any of the said islands,

islands, for the curing, salting, drying, and husbanding of their fish, and for making of oil, and may cut down wood and trees there for building and making or repairing of stages, ship-rooms, train-fats, hurdles, ships, boats, and other necessities for themselves and their servants, seamen and fishermen. S. 1.

No ballast, prest-stores, or any thing else hurtful to or annoying any of the harbours there, shall be thrown out of any ship or otherwise, by any persons whatsoever, to the prejudice of any of the said harbours, but that all such ballast and other things shall be carried on shore and be laid where they may do no annoyance. S. 2.

No persons shall destroy, deface, or do any detriment to any such stage or cook-room, or to the flakes, spikes, nails, &c. thereto belonging, as they shall fall into at their coming into the said country, but shall (during continuance there) content themselves with such stages only as are needful, and shall upon departure thence leave all such stages, without doing any wilful damage to any of them; and for the repairing of such stages which shall be so taken during residence, the necessary timber shall be fetched out of the woods, and not by breaking down or any wise injuring the stages of any other person. S. 3.

Every such fishing-ship, fishermen, &c. as shall first enter any harbour or creek in Newfoundland shall be admiral of that harbour or creek during that fishing season; and for that time shall reserve to himself only so much beach or flakes, or both, as are needful for the number of such boats as he shall there use, with an overplus only for the use of one boat more than he needs, as a privilege of his first coming thither; and the master of every such second fishing ship as shall enter any such harbour or creek, shall be vice-admiral of such harbour or creek during that fishing season; and the master of every such fishing ship next coming as shall enter any such harbour or creek, shall be rear-admiral of such harbour or creek during that fishing season; and the master of every fishing ship there shall content himself with such beach or flakes as he shall have necessary use for, without keeping or detaining any more beach or flakes, to the prejudice of any such other ship or vessel as shall arrive there; and such persons as are possessed of several places in several harbours or

creeks there, shall make their election of such place as they shall choose to abide in, and shall also, within 48 hours after any after-comer into such place shall demand, declare such his resolution relative to his election (if the weather will so soon permit, or so soon after as the weather will permit); and such person shall give or send his resolution to such after-comer, touching such his election, of such place as he shall so choose to abide in for the fishing season, to the end that such after-comer may likewise choose the place of his abode there; and in case any difference shall arise, the admirals of the respective harbours where such difference shall arise, or any two of them shall proportion the place to the several ships in the several harbours they fish in, according to the number of boats which each of the said ships shall keep. S. 4.

All persons who shall take, seize, or detain any stage, cook-room, beach, or other place for taking bait or fishing, or for the drying, curing, or husbanding of fish, shall relinquish to the public use of the fishing ships arriving there, all such stages, cook-rooms, &c. S. 5.

No fisherman, or inhabitant of Newfoundland, or any other person or persons whatsoever, shall seize, take up, or possess, any of the stages, cook-rooms, beaches, or other places, belonging to any fishing ships, for fishing, or for drying, curing, or husbanding of fish, before the arrival of the fishing ships, nor until all such ships so arriving shall be provided S. 6.

Persons going over with their servants to Newfoundland, to keep their boats on a fishing voyage, commonly called bye-boat keepers, shall not pretend to, or meddle with any house, stage, cook-room, train-fat, or other convenience that did belong to fishing ships, or shall be cut out, or made by ships S. 7.

Every master of a bye-boat shall carry with him at least two fresh men in six, viz. one man that hath made no more than one voyage, and one man who hath never been at sea before; and every inhabitant shall be obliged to employ two such fresh men, as the bye-boat keepers are obliged for every boat kept by them; and all masters of fishing ships shall carry with them in their ship's company at least one such fresh

man that never was at sea before, in every five men they carry; and the master of each such bye-boat, and each such fishing ship, shall make oath before the collector, or other principal officer of the customs, of the port from whence such ship intends to sail, that each ship and bye-boat's company have such fresh men therein as this act directs; and the said officer is hereby empowered and required to administer the aforesaid oath, and thereupon to give certificate thereof, under his hand, without any fee, gratuity, or reward for so doing. S. 8, 9.

Every master or owner of any fishing ship going to Newfoundland shall have in his ship's company every fifth man a green man, that is to say, not a seaman, or having ever been at sea before. S. 10.

No persons shall deface, alter, or change, the mark of any boat or train-fat belonging to any other person, whereby to defraud or prejudice the right owner thereof; nor convert to his own use any boat or train-fat belonging to any other person, without his consent or approbation; nor remove, nor take away, any such boats or train-fats, from the place where they shall be left by their owner, except in case of necessity, and also upon giving notice thereof to the admiral of the harbour, or place where such boat or train-fat shall be left, to the end that the right owners may know what is become of them. S. 11.

No persons shall rind any of the trees, nor set on fire any of the woods of the said country, or do any damage, detriment, or destruction to the same, for any use whatsoever, except only for necessary fuel for the ships and inhabitants, and for the building and necessary repairs of houses, ships, boats, and train-fats, and of the stages, cook-rooms, beaches, and other places; and no persons shall cast anchor, or do any matter or thing whatsoever, to the annoyance or hindering of the haling of seines in the accustomed baiting places, or shoot their seines within or upon the seines of any other persons whatsoever; nor shall steal, purloin, or take out of the nets of other persons, lying adrift, or drower for bait by night, nor steal, purloin, or take away, any bait out of any fishing-boat, or any net belonging to any other person. S. 12.

The Lord's day to be strictly and decently observ-

ed; and none of the said inhabitants who keep any tavern, ale-house, or other public house for entertainment, shall entertain, or sell, utter, or dispose of, to any fisherman, seaman, or other person whatsoever, any wine, beer, ale, cyder, strong water, or tobacco, or any other liquors whatsoever. S. 16.

The following are the regulations respecting the bounties granted in this fishery:

By 26 G. III. c. 26, from the 1st of January 1787, the following bounties shall be paid annually for 10 years, to a certain number of ships employed in this fishery, under the limitations and restrictions after expressed, that is to say, such vessels shall be British built, and wholly owned by his majesty's subjects; and shall be navigated with a master, and at least three-fourths of the mariners, British subjects; and shall be in other respects qualified, and subject to the same rules and restrictions as prescribed by the 10 and 11 W. III. c. 25; and shall be cleared out from Great Britain, or the islands of Guernsey, Jersey, or Alderney, after the said 1st day of January in each year; and shall proceed to the banks of Newfoundland, and having caught a cargo of fish, consisting of not less than 10,000 fish by tale, shall land the same at any port on the north, east, or south side of Newfoundland, between Cape St. John and Cape Raye, on or before the 15th of July in each year; and shall make one or more trips to the said banks, and return with another cargo of fish caught at the same port. In which case each of the 100 vessels which shall first arrive, shall, if navigated with not less than 12 men, be entitled to 40l.; but if any of them so first arriving shall be navigated with less than 12 men, and not less than seven, they shall be entitled to 25l. But if in neither of the above cases, any of the 100 vessels so first arriving shall be wholly navigated by men going out upon shares in lieu of wages, such ships, so navigated, if not less than 12 men, shall be entitled to 50l. each; and if so navigated with less than 12 men, and not under seven, they shall be entitled to 35l. each.

By 26 G. III. c. 26, the master and owner of every vessel shall produce to the collector, or other principal officer of the customs, at the clearing port, or, if cleared from Guernsey, Jersey, or Alderney, to the collector, or other principal officer of the customs,



toons, in some port of Great Britain, a certificate from the governor of Newfoundland, that the master of such vessel has produced to him a certificate, from the collector and comptroller at the clearing port, testifying that such vessel was duly qualified to proceed on such fishery; and that it has been made appear to his satisfaction, by a certificate under the hand and seal of the naval officer of the district in Newfoundland, where such fish was landed, or, where there is no naval officer, under the hand and seal of the commander of his majesty's ships stationed there, or of such officer as the governor shall approve, specifying the time of such vessel's arriving in manner before directed, also that such vessel was entitled to one or other of the bounties herein-before mentioned, as the fact may be; and that the master and mate of such vessel had made oath that the number of fish taken, on the first trip, amounted to 10,000 at least; that he has made two trips at least; and that all the fish, on both trips, were caught on the banks of Newfoundland by the crew of such vessel only; and upon delivering up the said certificate to the collector, the respective bounties therein mentioned shall be paid by him. S. 1.

In every such certificate there shall be inserted the real number of mariners belonging to such vessel, and intended to be employed in the fishery, distinguishing how many are new, or green men, and whether they are hired upon shares, or are to receive their wages. This is to be verified upon the oath of the master, made before the person who shall grant the certificate; and if such vessel shall be cleared out from Guernsey, Jersey, or Alderney, then such oath shall be taken before a magistrate of the royal court; on failure thereof such vessel shall not be entitled to receive any of the bounties. S. 2.

The several certificates and affidavits taken in Newfoundland shall, within the district of St. John's, be transmitted to the governor of St. John's before the 15th of September in every year, and within any other district in the said island before the 30th of September in each year.

Every master of a vessel shall, before he receive any of the bounties, make oath, before the collector and comptroller, or other chief officer of the port in Great Britain where he shall arrive on his return from

Newfoundland, that all the men belonging to his ship, who sailed out with him, or a number of men equal thereto, are returned to Great Britain, unless any of his crew have died at Newfoundland, or in the said voyage, either on the passage out or return home, or have deserted without his consent, or have been shipped on board British vessels for foreign markets. S. 4.

The hirer or employer of any green man may advance to any such green man, during the time he shall be in his service, a sum not exceeding 3l. 10s. although the same shall amount to more than one-half of the wages which shall be due to him, provided a sum equal to the then current price of a man's passage home, not exceeding 40s. for each man, be reserved to bear the charge of his return home. S. 5.

Where any seaman or fisherman shall wilfully absent himself from his duty or employ without leave of his employer, or shall wilfully neglect to work for the space of one day, he shall for every day he shall so absent himself, or wilfully neglect to work, forfeit any number of days pay, not exceeding five, as the governor of Newfoundland, or his surrogate, may think just and reasonable; and such forfeiture shall be paid to the hirer or employer of such seamen or fishermen, in recompence for the loss which he may have sustained thereby.

Before any oil or blubber imported from Newfoundland into Great Britain shall be admitted to entry duty free, the master or commander of the ship importing the same shall make oath before the collector, or chief officers of the customs, at the port in Great Britain in which oil or blubber is imported, that the same is really and *bona fide* the oil or blubber, &c. actually caught and taken on the banks and shores of Newfoundland and parts adjacent, wholly by his majesty's subjects carrying on the said fishery from his majesty's European dominions. S. 7.

A similar oath is to be taken upon the importation of seal skins, before they can be admitted to entry duty free. S. 8.

In case any oil, blubber, or seal skins shall be purchased in Newfoundland, or the parts adjacent, and imported into Great Britain, the same shall be admitted to entry, duty free, provided the master or commander of the ship importing the same, shall  
make

make oath of all the particulars respecting the purchase thereof, before the collector, or other chief officer of the customs, at the port of Great Britain into which such oil, blubber, or seal skins are imported; and shall deliver to such collector, &c. a certificate from the naval officer of the district of Newfoundland, where such oil, blubber, or seal skins were purchased; or if there be not any naval officer at such place, then from the commander of any of his majesty's ships stationed there, testifying that oath had been made before him by the persons who actually caught the fish, seals, &c. from which the oil, blubber, skins, &c. mentioned in such certificate were produced, that such oil, blubber, skins, &c. were really the produce of fish actually caught on the banks and shores of Newfoundland and parts adjacent, wholly by his majesty's subjects carrying on the said fishery from his majesty's European dominions; such master or commander shall also make oath that the oil, blubber, or seal skins so imported are the same referred to in the said certificate. S. 9.

No persons concerned in the said fishery to use on the shores of Newfoundland any seine or net for the purpose of catching cod fish, the mesh of which shall be less in dimensions than four inches, under the penalty of forfeiting 100*l.* for every such offence. S. 11.

All persons concerned in the said fishery deserting with intent to enter into the service of any foreign state, or who shall in any manner agree to absent themselves or desert, the governor of Newfoundland, or his surrogates, or the judge of the vice-admiralty court, or any justice of the peace of Newfoundland, may issue his warrant to apprehend such person, and on the oath of one or more credible witnesses may commit him to prison, there to remain until the next court of session, and may order such deserter to be detained in prison, without bail or mainprize, for any time not exceeding three months, in case he shall have come from any of his majesty's dominions for the purpose of carrying on the said fisheries. S. 12.

Provided that it shall be lawful for such governor, within the space of three months, or as soon after as may conveniently be, to cause every such person to be put on board a passage ship, in or-

der to his being conveyed back to the country to which he belonged, and for which the master of such ship shall be paid in manner hereinafter mentioned; and every master or commander of such passage ship shall take on board such persons as the said governor shall direct, not exceeding four for each 100 tons of such ship, and so in proportion for every ship under 100 tons: provided nevertheless, that no person shall be so put on board of any ship which shall not be of the burthen of 40 tons; but if any person convicted as above shall not have come from any of his majesty's European dominions, for the purpose of carrying on the fisheries aforesaid, then it shall be lawful for the said court of session to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding 12 calendar months. S. 13.

Persons residing in Newfoundland, or carrying on the fishery on the banks thereof, shall not sell, barter, or exchange, any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture used, or which may be used by any ship, vessel, or boat, or any seines, nets, or other implements used, or which may be used in catching or curing fish, or any kind of bait whatsoever which may be used in the catching of fish, or any kind of fish, oil, blubber, or seal skins, peltry, fuel, wood, or timber, to or with any person whatsoever, other than the subjects of his majesty. S. 14.

The governor of Newfoundland may issue his warrant to apprehend every offender against the preceding section, and on the oath of one or more credible witnesses may commit him to prison, there to remain until the next court of session; and every such person, if found guilty, shall forfeit treble the value of the articles so sold, &c.; and in case of non-payment of the penalty, the court may order such person to be punished, and dealt with in the same manner as deserters are. S. 15.

Persons purchasing, or taking in exchange, or by way of barter, any goods or commodities whatsoever, from any person, being a subject of any foreign state, shall be apprehended and committed to prison, and on conviction before the court of session shall forfeit treble the value of such goods or commodities so purchased, &c.; and in case of non-payment of the penalty, the court may order such persons to

be dealt with as directed with respect to deserters. S. 16.

Provided that nothing herein contained shall extend to prevent bread, flour, Indian corn, and live stock from being imported into Newfoundland in certain British vessels, according to act of parliament. S. 17.

Not more than 40s. to be paid for passage of persons sent home by the governor, to be paid by court of session, if sufficient fund; if not, commissioners of the navy to allow 6d. per day for each such passenger. S. 18.

If no funds in the court of session, to be paid by commissioners of the navy. S. 19.

Officers of his majesty's ships may search, examine, and detain any ships concerned in this fishery within the limits of their stations. S. 20.

So much of the act of 15 G. III. as gives any jurisdiction to the court of vice-admiralty for Newfoundland, with respect to enquiring into and determining disputes concerning the wages of any seamen and fishermen, or any offence committed by any hirer or employer of such seamen or fishermen, or any differences between them upon contracts or agreements, is by this clause repealed.

By 27 G. III. c. 19. s. 8, no vessel whatever, not exceeding the burthen of 30 tons, and not having a whole or fixed deck, and being solely employed in the fisheries of Newfoundland and the parts adjacent, shall be subject to be registered, pursuant to 26 G. III.

By 29 G. III. c. 53, no fish to be landed or dried at Newfoundland, unless caught by subjects of Great Britain, or of the British dominions in Europe.

FISHERIES, BRITISH. *Herring fishery.* By 26 G. III. c. 81, continued by 58 G. III. c. 38, a bounty of 20s. per ton shall be paid annually to the owner of every decked vessel, not less than 15 tons burthen, manned and navigated according to law, employed in the British white herring fishery, under the following regulations.

[But see at the end of this article the 42 G. III. c. 79, where these bounties are altered.]

Every buss or vessel to be entitled to the above bounty shall be built in Great Britain, and have on board (barrelled up in new barrels) 12 bushels of salt for every last of fish which such vessel is capable of

carrying, and also 250 square yards of netting, and not less than five men for the first 15 tons, and one additional man for every additional five tons, and shall clear out of some port in Great Britain between the 1st of June and the 20th of November in the same year; and shall proceed immediately upon the said fishery, and there fish, without obstructing any other vessel employed therein, for three months at least, unless such vessel, within that space of time, shall return into port with a full cargo of fish taken wholly by the master and crew of such vessel. S. 2.

No person is entitled to bounties for any vessel which shall not proceed directly upon the fishery from that port to which such vessel shall belong, and where any one or more of the owners of such vessel shall reside; and the owner or owners of such vessel shall take out a licence to proceed from the collector or comptroller of the port where she was *bona fide* manned, victualled, furnished, accounted, and fitted out. S. 3.

Vessels to be entitled to the benefit of this act shall be visited by such officer of the customs belonging to her clearing port as shall be appointed, who shall certify to the said commissioners of the customs such his visitation, examination, and admeasurement, and that such vessel hath on board such a quantity (the quantity of fishing nets, stores, &c. as required by the second section of this act). In case the owners, or one of them, or his agent, and the master of such vessel, shall make oath before the collector or comptroller of such port, to be subscribed to the said certificate, that it is really and truly their purpose and resolution that such vessel shall proceed immediately upon the British white herring fishery, there to continue fishing for three calendar months at least (unless such buss or vessel shall sooner obtain a full lading of fish), without obstructing any other vessel employed in the said fishery; and if the above named parties shall become bound with two sufficient sureties, in the penalty of treble the bounty on the tonnage of such vessels (which bond is to be in force for the space of three years against the parties thereby becoming bound), for the faithful dealing of the said master and his crew, then it shall be lawful for the collector and comptroller of such port to grant full licence and authority to proceed on such voyage. S. 4.

The officer of the customs, on return of the ship, shall repair on board, and view the condition thereof, and of its lading, and certify the same, together with his observations thereon, and also the real tonnage of such vessel, and the names of the master and other persons on board; and the master of such vessel shall make oath before the collector or comptroller, to be written on, and annexed to the licence (which the said master is hereby required to deliver up), that such vessel did without delay proceed from the port in such licence mentioned, and remained employed in the said fishery pursuant to the preceding sections; and that during the whole of the time the nets and other stores, and the number of men by law required were on board of the same vessel, or employed in the lawful prosecution of the said fishery; and that the said vessel hath not since its last clearance outwards been on any other voyage, or pursued any other design or view of profit than that of taking fish, or salting or curing the same, or salting or curing other fresh fish lawfully purchased at sea; and that all the fish brought into port by the said vessel were taken by the crew belonging thereto, or (in case of such vessel not returning till after the expiration of three months) were purchased of British subjects; which certificate, licence, and oath, together with an account of the fish taken, shall be transmitted by the said collector and comptroller to the commissioners of the customs in England, or to the commissioners of the customs or excise for Scotland respectively; and such commissioners being fully satisfied, shall, on demand, cause payment to be made to the owner or owners, or to his or their assigns, by the receiver-general of the customs or excise, as the case shall happen, the sum of 20s. per ton, according to the admeasurement of such buss or vessel. S. 5.

Any vessel returning into port with a less number of men than such vessel is required to have, unless through death, sickness, or desertion, or which shall return within the said three calendar months without a full cargo, unless the whole were actually caught and taken by the master and crew belonging to such vessel, shall not be entitled to any bounty on the tonnage thereof. S. 6.

The commissioners of customs in England and Scotland respectively are to order the same bounty to

be paid by the receiver-general or cashier of the customs, for that part of Great Britain whence the vessel shall have departed; but if the receiver-general or cashier of the customs at Edinburgh shall not have sufficient money in his hands, any three of the commissioners of customs there shall give the person entitled to receive such bounty a certificate to the commissioners of excise for Scotland; which being affixed to the said licence, and the other certificates and documents aforesaid, and produced to the said commissioners of excise, they are, on demand, to cause the said money to be paid by the receiver-general or cashier of the said excise. S. 7.

For every barrel of herrings, twice packed, and completely cured, which shall, during one year, be landed from any vessel entitled to the aforesaid bounty of 20s. per ton, there shall be a bounty of 4s. S. 8.

But if the number of barrels of herrings imported shall, in any one year, exceed the proportion of two barrels and a half of herrings, packed and cured as aforesaid, for every ton burthen of such vessel, then there shall be paid for every barrel so exceeding the said proportion, a bounty of 1s. only. S. 9.

All herrings upon which shall be claimed the said bounties of 4s. and 1s. or either of them, shall be computed at the time of their being unshipped, while they are in the state in which they are usually denominated sea-steeks or herrings not repacked; and that four barrels in that state shall be considered as equivalent to three barrels packed a second time. S. 10.

For all herrings which shall be landed from any boat or vessel not entitled to the bounty of 20s. per ton, and which shall afterwards be properly salted and cured, there shall be paid a bounty of 2s. per barrel. S. 11.

Before any bounty shall be paid, every cask or package of herrings shall be branded, in the sight of the officer of the customs, with a hot iron, in such lasting marks as the commissioners of the customs shall direct, and as may effectually distinguish the casks or packages containing herrings landed from vessels entitled to the said bounty on the tonnage thereof, from such as contain herrings landed from boats or vessels not entitled to such bounty on the tonnage. S. 12.



The said bounties of 4s. and 1s. shall be paid by the same persons, in the same manner as the bounty of 20s. per ton, upon a debenture or certificate, to be prepared and granted by the collector or comptroller of the customs in the port where the ship shall be entered, and to be verified by the person executing the office of searcher in such port. S. 13.

For the encouragement of the fishery, called the Deep Sea Fishery, over and besides the several bounties herein-before granted, there shall be paid the additional premiums following, that is to say, for the greatest quantity of herrings caught by the crew of any one vessel (which shall be entitled to the several bounties of 20s. per ton, and 4s. and 1s. per barrel) and be imported by such vessel between the 1st of June and the 31st of November in any one year, the premium of eighty guineas; and for the next greatest quantity the premium of sixty guineas; and for the next greatest quantity the premium of forty guineas; and for the next greatest quantity the premium of twenty guineas: each of which said premiums shall be paid at any time after the 31st of November in every year, by the same person, and in the same manner, as the same bounty of 20s. per ton. S. 14.

All duties payable for such herrings, cod, ling, hake, salmon, or other white fish, caught and cured by British subjects, as shall be removed for home consumption (except such equalizing duties as are by this act expressly directed to be continued) shall cease and determine. S. 15.

All such dried cod, ling, or hake, as, under 5 G. I. or any subsequent act, have been entitled to the bounty of 5s. per hundred, granted by that act, 3s. per hundred weight only shall be paid for such cod, ling, or hake, called haberdine.

All casks in which fish (except fresh) shall be packed up, either for exportation or home consumption, shall be marked with the names of the curers, burnt with an iron, in conspicuous and permanent characters; or in default thereof, such casks to be seized by the officers of the customs; and upon due proof thereof before a magistrate, such casks or barrels, together with the fish, shall be forfeited. S. 17.

The staves of every barrel in which white herrings or wet white fish shall be packed for exportation, shall

be at least half an inch thick at the bulge, and full bound; or in default of this, they may be seized and forfeited. S. 18.

Persons who shall have followed the occupation of seamen on board any vessel employed in the fisheries of Great Britain (being married men) may set up and exercise any trade in Great Britain, as freely, and with the same provisions, and under the same regulations, and with the like exemption in respect to the two universities, as any mariner or soldier may do by the 22d G. II. s. 19.

Fish cured with salt made in any part of Great Britain may be carried into any other place in the said kingdom. S. 20.

Rates and duties payable by 29 G. II. c. 23. on the importation into England of salmon, cod, ling, tusk, and other white fish, cured with salt made in Scotland, for which the duty hath been there paid and secured, shall be continued and extended to imported fish cured with salt made in any part of Great Britain; and the regulations of 29 G. II. c. 23, are extended to this act. S. 21.

White herrings, red herrings, or any salmon, cod, ling, tusk, or other white fish, may be carried from any place in Great Britain to any other place therein for exportation, the owner of the fish, or master of the vessel, making oath, before the chief officer of the customs, or his deputy, that such fish were caught in Great Britain, or on the coast thereof, and cured with salt delivered duty free from some port of the said kingdom, and when, where, and to whom the said salt was so delivered. S. 22.

Fish so brought, or conveyed coastwise from one place of Great Britain to another, shall, upon exportation of any part thereof to foreign parts, be entitled to the same allowances or bounties as by the act of the 5 G. I. c. 18, are granted on the exportation of fish cured in Great Britain, such fish being subject to the same rules and regulations to prevent the relanding or reimporting thereof, as prescribed by 5 G. I. c. 18. S. 23.

No bounties upon exportation of fish so carried coastwise from any place in England to any place in Scotland, shall be paid in England; but the chief officer of the customs, or his deputy, shall give a debenture for the payment of the said allowances or the bounties;

bounties; which debenture being produced to the commissioners of the customs in England, they shall pay the same. S. 25.

Provided also, that the proprietor of such fish as shall be put on board of any vessel, whether for home consumption or exportation, or his agent, shall, before such vessel depart, make a full entry with the collector, or other chief officer of the customs there, or his deputy, of fish so shipped, expressing the number of barrels of wet fish, with the marks and numbers thereof, and the number and weight of each species of dry fish; and declare upon oath, that the said fish were cured in Great Britain, or on the coast thereof, and whether they were cured with salt delivered duty free, or with salt for which the duty payable by law hath been paid or secured; and that the salt used in curing such wet or dried fish respectively was taken on board from some port or place in Great Britain, and when and where it was so taken on board, and that no drawback for the same hath been had, or is intended to be had, upon the exportation of the said salt; and the said collector, &c. is likewise required to deliver to the master of such vessel a certificate or cocket that such entry and oath have been duly made; such certificate or cocket to be delivered to the proper officer of the customs in the port whence the same shall be imported or landed, or put on board of any other ship or boat, upon pain of forfeiting all such fish, and also double the value thereof, together with all the casks or vessels in which such fish shall be found, the same to be recovered of the importer or proprietor of the fish, or of the master of the vessel in which the same shall be imported. S. 26.

*Salt.* By the 36 G. III. c. 81, curers of fish in Great Britain were allowed to take salt, for the purpose of curing fish, upon giving bond to the customs that such salt shall be employed solely in curing fish. By the 38th of his present majesty, however, which subjects salt to the excise duties, and enacts new regulations, this act may be considered as virtually repealed, at least as far as relates to the principal clauses.

By 27 G. III. c. 10. s. 3, no vessel to be deemed to have a full cargo, if under the proportion of four barrels of herrings once packed, or three twice packed, for every ton burthen.

Decked vessels of not less than fifteen tons burthen shall be entitled to the bounties granted by 26 G. III. c. 81, if they take in one year the proportion of six barrels of herrings, when cured, for every ton burthen, though they may not have been fitted out with the quantity of salt required by the said act.

An account of the quantity of herrings delivered from vessels not fitted out agreeable to the above cited act, 26 G. III. c. 81, to be taken at the port of delivery; and no more than fifty such vessels fitted out in one year from the same port shall be entitled to the bounty of 20s. per ton, which shall be paid to the fifty vessels that shall have taken the greatest quantity, if more than that number be fitted out.

By 35 G. III. c. 56. s. 4, curers of herrings in Great Britain may, during each season of the British fishery, carry coastwise in bulk, free of any duty whatever, herrings (or cod, ling, hake, or salmon, actually taken on the herring fishery) that shall have been deposited under the care of the salt officers at any fishery upon the British coasts, and there sprinkled with salt taken out of any warehouse under the revenue locks (such salt having been there deposited for that purpose only) to preserve them until the same shall be afterwards carried coastwise to that part of Great Britain where they are to be entirely cured. Provided always, that the coast cocket shall express that no bounty has been paid or claimed for such fish; and that they are subject to all the regulations for the security of the duties on salt.

By stat. 42 G. III. c. 79, the preceding acts, and the powers and provisions therein contained, are revived, except as to such bounties; and the preceding acts are continued in force until the 5th of April 1804.

The following are the bounties granted by the 42d G. III. c. 79.

From the 5th of April 1803, one-half of the bounty of 20s. per ton, and one-half of the bounties granted by the preceding acts for every barrel of herrings landed from any raft or vessel, in respect whereof a bounty of 20s. per ton is granted by the said acts, shall cease and determine.

BRITISH SOCIETY FOR ENCOURAGEMENT OF FISHERIES, &c. By stat. 35 G. III. c. 100, the governor, deputy-governor, and directors of the British

fish society for extending the fisheries, and improving the sea coasts of this kingdom, incorporated by 26 G. III. c. 106, are empowered to give the following premiums and loans to persons at the society's settlements, viz. 60*l.* a year, in premiums or rewards to such sober and industrious persons, resident at any of the settlements of the society as they shall deem most deserving, by reason of their expertness in fishing, curing of fish, preparing of soap or oil from fish, making of nets, or in the cultivation of the soil, or other useful arts, tending to the advancement of the beneficial purposes of the said society; and also to lend at legal interest a sum not exceeding 50*l.* for the purpose of purchasing, building, or equipping boats or other vessels for the fishery; and also such further sums on loans to such persons as may build houses or tenements at any of the settlements of the society, the sum so lent not exceeding one-third of the value of the houses or tenements so to be built, such value to be ascertained by satisfactory certificates, and to be repaid by equal instalments in the course of five years; and also such sums, not exceeding 200*l.* in loans, on proper security, to be repaid in one year, to such persons as may undertake to provide stores of oatmeal or salt, or other necessities at either of the said settlements, for the use of the inhabitants thereof, the sum lent to such person in no case to exceed two-thirds of the value of the salt, oatmeal, or other necessities which such person shall become bound to provide; and also such sums of money, not exceeding 200*l.* in loans, to such persons as may undertake to establish any manufactory of nets, sail-cloth, or cordage, or of spinning of hemp, flax, or woollen yarn, such sum to be repaid in three years, and in no case to exceed two-thirds of the value of the hemp, flax, wool, or other materials, which such person shall have provided, or become bound to provide for such manufactory.

*Privileges to foreign Fishermen.* By 35 G. III. c. 56. s. 7, if any person, being a subject or inhabitant of the United Provinces, who has been employed in carrying on the herring, cod, ling, haddock, or other white fisheries, or the fisheries carried on in the Greenland Seas and Davis's Straits, or the turbot fisheries, or in building vessels, or in cutting whalebone, or in making nets or barrels, or in preparing

salt for the said fisheries, shall come into this kingdom, with intent to reside herein, and shall go before some justice of the peace, sheriff depute or substitute, or principal magistrate of some city or town in this kingdom, and shall take the oath of allegiance to his majesty, and shall obtain a certificate of his having taken such oath (for which he shall pay no greater fee than 2*s.*); and if such person shall produce such certificate to the commissioners of his majesty's customs in England or Scotland respectively, and shall make it appear to the satisfaction of such commissioners, that he is a subject or inhabitant of the said United Provinces, and has been employed in some one or other of the said fisheries, trades, or employments, the said commissioners of his majesty's customs shall grant to such person a certificate thereof, and such person shall be forthwith entitled to enter for importation duty free, and afterwards to re-export any cargo of fish, or the produce thereof, caught in any of the said fisheries, which he may then have brought into the ports of this kingdom, and shall from thenceforth be authorized to carry on, from the said ports, the said fisheries, or any of them, or to exercise in any place therein any of the said trades or employments, and to import and export such fish or oil, or the produce thereof, to or from any ports in this kingdom, in the same manner, and with all the same advantages, as any British subject, and be entitled to all such bounties, premiums, and emoluments, as are granted by the acts of 26 G. III. c. 81, and 27 G. III. c. 10, and continued by this act, and to no other; subject, nevertheless, in the case of claiming such bounties, to the same rules, regulations, restrictions, penalties, forfeitures, and such person shall thereupon be entitled to become the master or mariner of any British ship or vessel in carrying on any of the said fisheries.

If any such person, who shall have qualified himself in manner before directed, being the owner, in whole or in part, of any ship or vessel employed in some one or other of the said fisheries, shall bring any such vessel into any of the ports of this kingdom, and shall prove, in the manner directed in the act for the further increase and encouragement of shipping and navigation, his having taken the oath prescribed by this act, his majesty, with the advice of his

his privy council, may order such ship or vessel, so owned, to be registered, and to have a certificate thereof; and such ship or vessel shall, by virtue thereof, become entitled to the privilege of a British built ship or vessel, under the regulations and restrictions hereinafter mentioned. S. 8.

During such time as the owner or owners of such ship or vessel shall continue to reside within this kingdom, such ship or vessel may carry on any of the said fisheries, and import and export into and from this kingdom, and carry to the port of any country in Europe the fish caught in any of the said fisheries, and the oil and other produce thereof; and such ship or vessel shall be entitled to the like advantages as any British built ship or vessel employed in any of the said fisheries, and to all such bounties, premiums, and emoluments, as are granted by either or both of the acts continued by this act; subject nevertheless, in case of claiming such bounties, to the same duties, rules, regulations, restrictions, penalties, and forfeitures; and every such ship may import from any such foreign European port in return for such fish, oil, or produce, any articles which any British built ship may by law import from thence; subject nevertheless to the same duties, rules, regulations, restrictions, penalties, and forfeitures, as any British built ship so employed in the like trade: provided always, that every such ship shall be manned with the number required by law, either of British seamen, or by subjects or inhabitants of the said United Provinces, who have come to and reside within this kingdom, and have qualified themselves in manner before directed. S. 9.

Any person so qualified as aforesaid shall be entitled to purchase, or take by descent, and hold any estate in lands, tenements, or hereditaments (not exceeding 100 acres) in the same manner as any natural-born subject of this kingdom. S. 10.

Any person qualified in manner before-mentioned, may import, and bring into this kingdom, all such ships, tackle, and furniture, and all nets, and other articles, employed in such fisheries, and also all household goods, and wearing apparel, without payment of any duty whatsoever; provided it shall be made appear to the satisfaction of the commissioners of the customs in England and Scotland respectively,

that such articles respectively are not imported by way of merchandize. S. 11.

**MACKAREL FISHERY.** By stat. 35 G. III. c. 54, fish curers in Great Britain may import any quantity of foreign salt, or take any quantity of British salt, from any salt-works and salt-pits, and remove coastwise the salt so imported or taken for the purpose of curing mackarel (or any cod, ling, hake, or salmon, being taken in the mackarel fishery) for home consumption, duty free, except the customs due on the importation thereof, in as full a manner as any curers of fish engaged in the herring and pilchard fishery are enabled for home consumption. See the regulations with respect to *Salt*, under herring and pilchard fisheries.

For every barrel of white mackarel twice packed, and completely cured, containing 32 gallons, which shall be exported from Great Britain into any parts beyond seas (except into any part of the Mediterranean, in which case no bounty given by this act shall be paid) a bounty of 2s. 8d. shall be paid; and for every barrel of mackarel which shall be landed from any boats or vessels, and which shall hereafter be properly salted and cured there, shall be paid a bounty of 1s.

Any person may carry from any port or place in Great Britain to any other place or port in the said kingdom, any mackarel, or any cod, ling, hake, or salmon, being taken in the mackarel fishery, and cured for home consumption.

The proper officers appointed to pay the bounties given by this act, are directed to retain in their hands the following sums, to defray the charges attending the passing of this act, until the same shall amount to 200l.; viz. for every barrel of mackarel on which the bounty of 1s. shall be payable, the sum of 6d. and for every barrel of mackarel on which the bounty of 2s. 8d. shall be payable, the sum of 1s. 6d.

**OYSTER FISHERY.** By 31 G. III. c. 51, any person who shall use any net, trail, dredge, or other instruments, within the limits of any oyster fishery, or shall dredge for oysters, or oyster brood, or use any oyster dredge, or any net, instrument, or engine whatsoever, within the limits of any oyster fishery, for the purpose of taking or catching oysters or oyster brood, although no oysters or oyster brood shall be actually



actually taken, or shall with any net, instrument, or engine, drag upon the ground or soil of any such fishery, all and every such person, not lawfully entitled to take or catch oysters therein, shall be deemed guilty of an offence and misdemeanor, and may be prosecuted for the same by indictment at the assizes, or general quarter sessions of the peace, for the county in which such fishery shall lie, and the justices in sessions are hereby authorized and required to hear and determine such offences; and such persons, being lawfully convicted by verdict or confession, may be punished for either of the said offences, either by fine and imprisonment, as the court shall think proper, such fine not to exceed 20*l.* nor be less than 40*s.* and such imprisonment not to be for more than three months, nor less than one month.

Provided, that nothing in this act shall extend to prevent or hinder any person from taking, catching, or fishing, for any floating fish in the waters or creeks within the limits of any oyster fishery, with any net, instrument, or engine, which shall be made or fitted for the purpose of taking or catching floating fish only. S. 2.

Any justice of the peace for any county wherein any such offence shall be committed, upon complaint and oath thereof made within 30 days next preceding such complaint, shall issue a warrant for apprehending and bringing the offender before him; and such justice shall, if he see cause, commit him, there to remain until the then next assizes, or then next general quarter sessions of the peace, for such county, until such person shall enter into recognizance, with two good and sufficient sureties, in the penalty of 20*l.* each, to appear and answer to any indictment that may be preferred against him by virtue of this act. S. 3.

If any person shall be found actually taking or catching any oysters, or oyster brood, within the limits of any oyster fishery, or dredging for oysters, or oyster brood; or using any oyster dredge, or any net, instrument, or engine whatsoever, for the purpose of taking or catching oysters, or oyster brood, although no oysters, or oyster brood, shall be actually taken; or with any net, instrument, or engine, dragging upon the ground or soil of any such oyster fishery; any person being owner, lessee, occupier of such

fishery, or otherwise lawfully entitled to take or catch oysters therein, and his apprentice or servant, in case the person so offending refuses to discover his true place of residence, may seize such offender, and carry him before a justice, who shall proceed against such offender as if brought before him upon warrant. S. 4.

This act not to affect any act now in force respecting any particular oyster fishery, nor to preclude prosecutions at common law. S. 7, 8.

THAMES FISHERY. By stat. 9 Anne, c. 27, the court of assistants of the fishermen's company (or the major part of them present) may make such bye-laws and ordinances for the good rule and government of the said company as they shall think fit, so as the same may be always first approved of, or from time to time altered or amended by the court of the lord mayor and aldermen of the city of London. There shall be yearly elected and chosen by the next court of lord mayor and aldermen, out of the six wardens of the said company for the time being, to be nominated by the said court of assistants, one fit person to be a master of the said art or mystery of fishermen; and also out of twelve assistants to be nominated as aforesaid, six fit persons to be wardens of the said art and mystery (whereof the water-bailiff of the city of London shall be one); and in like manner out of sixty of the commonalty to be nominated, thirty fit persons to be assistants of the said company; which said master, wardens, and assistants, or any sixteen of them, together with three of the said wardens, shall constitute the court of assistants of the said company for the time being; and shall assemble together, from time to time, on the first Thursday in every month in the year, in the hall of the said company, for the better regulating and reforming abuses committed in the said fishery, and for the due ordering and governance of the said fishery, to the holding of which court the said water-bailiff shall be always duly summoned to attend; and the said court of assistants, or the major part of them present, shall, from time to time, call before them all and every such person and persons, as shall use to fish or dredge within the limits of the said fishery, and cause every such person or persons, being duly qualified, or having served in her majesty's navy for the space of two years, to

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have his or their names registered in a book or books to be kept by the said court of assistants, together with the respective places of abode, and the name of every apprentice or servant belonging to him or them. And shall likewise cause some mark of distinction to be placed on every boat, vessel, or craft, that shall be used in fishing or drudging, which shall not be changed, altered, or defaced, to the end that every person or persons, apprentice, and servant, as shall offend contrary to the meaning of this act, may be the better detected; and that her majesty may be the better enabled to know what number of able-bodied seamen the said company can furnish for public service.

Every person or persons being duly summoned by the said court of assistants to appear before them, in order to be entered and serve on board her majesty's navy. Persons so summoned, and refusing to appear, shall be sent on board the fleet, and disabled to fish in the said river of Thames for the space of two years.

*Allowance of Salt to Curers of Fish.* By stat. 41 G. III. c. 21. s. 1, salt may be taken on board duty free for curing fish, in the proportion of ten bushels for every ton burthen of the vessel; but, before any person shall receive or ship on board any quantity of salt free of duty, for the purpose of salting, curing, or preserving fish, he shall make entry in writing at the next office of excise of his name and place of abode, and of the number and situation of every warehouse which he shall intend to make use of for the keeping or storing of salt; and shall also give bond or security, to be approved by the commissioners of excise, or the persons who shall be appointed or employed by them for that purpose, in the sum of 500l. duly to account with the proper officer or officers of excise, according to the directions of this act, for all the salt which shall at any time be received or shipped for the purpose of salting, curing, or preserving of fish; and that such salt, and every part thereof, shall be fairly and *bona fide* employed and consumed in salting, curing, or preserving of fish as aforesaid; or shall be returned into the warehouse entered for the keeping or storing of salt duty free, from whence the same was taken; and that no part of such salt so taken, received, shipped, or had on board, shall be

fraudulently sold or disposed of, contrary to the true intent and meaning of this act.

Every person intending to ship any such salt for the purpose aforesaid, shall give to the proper officer of excise of the place from whence such salt shall be taken and shipped, a notice in writing of his name, the name of the vessel on board which the salt is intended to be shipped, the name of the master thereof, the burthen or tonnage of such vessel, the place to which such ship is bound, the particular sorts or species of fish expected to be taken or purchased and cured, and the exact and true quantity and species of salt intended to be shipped or put on board such vessel. S. 2.

Fish curers may deliver any part of their stock of salt, duty free, to persons who have made entry and given bond as required, and such salt shall be delivered under the rules of 38 G. III. c. 89. S. 3.

When salt is shipped, the excise officer is to give a certificate, specifying the name of the vessel, and the master thereof, the tonnage or burthen of the vessel, the quantity and species of salt received on board such vessel, and the name of the person from whose stock of salt the same was taken and shipped, the place from whence taken and shipped, the time when shipped, and the place to which the vessel, on board which the same shall be so shipped, is bound. S. 4.

Unshipping cured fish, except at a lawful quay, subjects the owner, proprietor, or master of any vessel so offending to a penalty of 100l. S. 5.

Within 24 hours after arrival at the port of delivery, the master of such vessel shall make entry in writing with the proper officer of excise of such port, specifying the quantity and kinds or species of salted or cured fish of which the cargo of such vessel shall consist; that is to say, if herrings, the quantity according to the exact and true number of crans of 34 gallons each English wine measure, of fresh herrings which were taken or received on board his vessel; if pilchards or mackarel, the exact and true number of barrels, consisting of 50 gallons each, of the like measure which were taken or received on board fresh; and if any other kind of species of fish, the exact and true number of barrels of 200 pounds weight each, or the exact and true weight of such fish, and also  
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the exact and true quantity of salt actually employed and spent in curing and preserving such fish respectively, and likewise the true quantity of salt which shall be then remaining in or on board his vessel unused; and thereupon the proper officer of excise shall go on board, and inspect and examine all such fish and salt, and shall grant permission in writing under his hand for unloading and landing all such fish, which, if required by such officer, shall be unladen (and if in bulk, measured or weighed) by such master in the presence of the proper officer of excise; and if any such master shall neglect or refuse to make such entry as aforesaid, or make any false entry, or shall refuse to unlade the salted fish of which his cargo shall consist, and to measure or weigh such part thereof as shall be imported in bulk, in the presence of the proper officer of excise, he shall forfeit, for every such offence, the sum of 100*l*. S. 6.

Certificates received in respect of salt shall be produced to the excise officer by whom the cargo shall be inspected, who shall, if satisfied, indorse thereon the quantity of fish cured and landed, and the quantity of salt remaining, and the officer of the port from which the salt was taken shall give credit for such salt as shall appear to have been used, and shall permit the remainder to be warehoused. S. 7.

Masters shall make oath of the truth of entries, and that they have not included therein any fish but what have been fairly cured on board; that he has not, directly or indirectly, sold, embezzled, or fraudulently disposed of, or concealed, or conveyed away, or suffered any other person or persons to sell, embezzle, dispose of, or conceal, or convey away, any part of the salt taken, shipped, or laden on board any vessel for salting, curing, or preserving fish. S. 8.

Officers of excise may at all times go and remain on board any such vessels as aforesaid, and inspect, examine, and take account of all salt and salted fish, and other articles or commodities whatsoever in or on board such vessels. S. 9.

If the fish unladed shall be short one-fifth part of the quantity entered, the master shall forfeit 100*l*. S. 10.

Credit for salt used in curing fish shall not exceed the quantities herein specified; that is to say, for

every cran consisting of 34 gallons English wine measure of herrings actually salted, cured, preserved, and produced to the proper officer of excise in a good, wholesome, and merchantable state, 65 pounds weight of salt; for every barrel of 50 gallons of the like measure of pilchards or mackerel so salted, cured, preserved, and produced as aforesaid, 95 pounds weight of salt; for every 100 weight of all other fish so salted, cured, preserved, and produced as aforesaid, 22 pounds of salt. S. 11.

No further or other credit or allowance for salt shall be made, given, or granted for or in respect of any fish, for which the credit or allowance of salt by this act given or granted shall be claimed, set off, or allowed. S. 12.

No bounty shall be given for fish cured under this act, except red herrings. S. 13.

Masters of vessels importing salted fish into the port of London, shall make entry and oath with the excise officer at Gravesend, and unlade into boats the cargo in his presence. S. 14.

Persons concealing, embezzling, or carrying away, salt shipped for curing fish, to forfeit 50*l*. and the salt shall be forfeited. S. 15.

For herrings in bulk, cured as red herrings, or for exportation to Ireland, the like quantity of salt shall be allowed as for herrings in bulk for home consumption, on the master's complying with the rules of this act. S. 16.

Excise officers may take an account of pilchards cured and packed in the custody of any entered fish curer; and, at the expiration of a month, shall give him a debenture of the number of barrels: before such account is taken, the owner, upon being required, shall deliver a declaration of the number of barrels of pilchards in his custody, and whether any debenture has been made out, or bounty allowed; on penalty of 100*l*. S. 17.

On production of the debenture to the collector of excise, he shall pay the same bounty as on pilchards exported. S. 18.

Officers shall brand barrels of which an account shall have been taken. S. 19.

By sec. 20, penalty of 200*l*. is inflicted for altering marks on barrels, &c.

Before any bounty shall be paid on pilchards, the owner

owner shall make oath, that no bounty has been paid, and that they are merchantable fish. S. 21.

Such pilchards may be sold for home consumption, or for exportation, but only in the original barrels, unless sold by retail in less quantity than a barrel. S. 22.

No other bounty than that given by this act shall be paid for such pilchards exported. S. 23.

No bond or certificate to be subject to stamp duty; and no fee shall be taken by any officer of the revenue, on penalty of 5l. 500l. penalty for forging certificates. Penalty of 200l. for obstructing officers. S. 24, 26, 28.

By sec. 29, cargoes may be unladen as the owners shall judge proper, except as far as relates to excise officers.

By sec. 30, no person employed in taking or curing fish, or preparing to depart on a voyage, or returning therefrom, shall be impressed upon certificates from the officers of the customs. S. 30.

By stat. 42 G. III. c. 3, the above act, which was originally limited to the 15th of October 1801, was further continued to the 25th of March 1803.

**PILCHARDS.** By stat. 39 G. III. c. 65, for every cask of pilchards, containing 50 gallons, exported from Great Britain until June 24, 1805, and entitled to the bounty of 7s. an additional bounty of 1s. 6d.

Pilchards exported directly to the West Indies or the Mediterranean, in casks of 32 gallons or upwards, are entitled to a bounty proportioned to those exported in casks of 50 gallons. S. 2.

Commissioners of excise may allow fish to be exported from any place they may deem proper. S. 4.

When the warehouse from which salt is to be delivered for curing fish is distant from the port of shipping, and is intended to be carried down the river thereto, in such case, instead of the bond directed by the preceding act, 38 G. III. c. 89, the proprietors of the salt works from whence the same is to be so delivered, or the merchant on whose account such salt shall be delivered, shall give bond to the excise in treble the amount of the duty on the salt; in which bond the master or owner of the vessel, in which such salt is to be conveyed, shall join, that all such salt, and every part thereof, shall with due diligence and dispatch be duly carried and conveyed in such

vessel to the port from which such salt is intended to be shipped for the purpose of curing fish; and that all such salt shall, immediately on the arrival at such port, be laden and put on board the ship in which the same is to be carried coastwise to the fish curer, to whom the same is to be consigned; and that no part of such salt shall, before the same be so put on board, be sold or delivered for home consumption, or otherwise fraudulently disposed of in Great Britain; and upon the arrival of the vessel at such port, the security hereinafter mentioned shall be given. S. 5.

Bonds to be cancelled and discharged upon the makers of the salt, or proprietors of the salt works from whence the salt was delivered, or the merchants on whose account or to whose order such salt was delivered, producing to, and leaving with the proper officer of excise a certificate, under the hand of such other officer of excise as shall be authorized to grant the same, testifying a full compliance with all the terms of the bond mentioned in the preceding clause; such certificate shall be produced to, and left with such officer of excise within one month next after the day upon which such salt was delivered. S. 6.

On the arrival of any vessel at the port where salt is to be shipped to be sent coastwise to the fish curer, bond is to be given that it shall not be otherwise disposed of; and upon certificate from the proper officer of excise, that such salt was duly appropriated, the same being left with the proper officers of excise within three months after the salt was shipped, such bond shall be cancelled. S. 7, 8.

*Bounties on bringing Fish to Markets of London and Westminster, &c.* By 41 G. III. c. 99, the lords commissioners of his majesty's treasury for the time being, or any three or more of them, may give and grant, out of surplus of the monies granted in the last session of parliament, for the purchase of stores of herrings, such premium, sum of money, or bounties, to persons taking and bringing fish to the markets of London, Westminster, or any other city, town, or port in the united kingdom; and may make and publish rules and regulations in relation to the taking and bringing to market such fish, and to regulate the amount of such bounties, and the terms and conditions upon which the same shall be granted; and to cause the same to be paid in such sums, and at such



times, and in such manner and proportions, and to annex such penalties and forfeitures for breach of any such rules, regulations, terms, and conditions, as shall seem to them best suited to the promoting the beneficial purposes of this act; and also to make any allowances, or apply any such sum or sums of money, as they shall think necessary in the payment of any expences incurred in the promoting and encouraging an increase of the supply of fish: provided no premium or bounty to the owner or owners of any one vessel, boat, or other craft, shall exceed the sum of 500l.; and provided also, that such bounties, premiums, and other sums of money, shall not, in the whole, exceed the sum of 30,000l. See *Aliens, Apprentices, Exports, Imports, Impressing, Navigation, Shipping*.

**FLANDERS.** See *Netherlands, French Flanders*.

**FLORENCE**, a great and opulent city of Italy, capital of the dominions of the grand duke of Tuscany, situated in N. lat. 43 deg. 46 min. E. long. 11 deg. 7 min. The productions of the dominions of Tuscany which compose the commerce of Florence are silk, oil, wine, rough and tanned hides. The silk manufactures of Florence, their taffatas, velvets, and satins, have long been in high estimation, as also stuffs of gold and silk cloths. The manufacture of tapestry here established is one of the most complete in Europe. Here is made also some lace cheaper than in France, but of an inferior quality; and also porcelain. The Florence oil and wine are both well known, and much exported throughout Europe. From England Florence exports pepper, cloves, mace, indigo, calicoes, lead, tin, cloths, bays, perpetuanas, herrings white and red, pickled salmon, Newfoundland fish, pilchards, calveskins, and various other commodities.

**FLORIDA**, East and West, a country of North America, lying on the north side of the gulph of Mexico, in the possession of Spain. It abounds in all sorts of timber and fruit trees, logwood, fustic, and other dying woods, sassafras, some indigo, cochineal, lapis-lazuli, and iron. This country, however, is thinly peopled, and but indifferently cultivated; the crop which it is the best calculated to produce is rice.

**FLOTA**, a convoy of Spanish merchant vessels, guarded by three ships of war: the merchant vessels are about

700 tons burthen, and loaded with European commodities of every description. Spain itself furnishes little else than wines and fruit. The flota sails from Cadiz for Vera Cruz, in the south-west part of the gulph of Mexico. The supercargoes are not permitted to break bulk till they arrive at their place of destination, and when all the goods are loaded and disposed of, the flota takes in the returns for Old Spain, consisting of gold and silver in ingots, plate, cochineal, indigo, sugar, hides, tobacco, precious stones, &c.

From Vera Cruz the flota sails to the Havannah, where there is a rendezvous appointed with the galleons and register ships, that they may all return together to Europe. See *Galleons and Register Ships*.

**FLUSHING**, a sea-port town of the Dutch provinces. The port is dangerous and difficult to enter, but the scamen are very expert. This place is a great resort for smugglers, and likewise had a considerable share in the India trade before the revolution.

**FOKIEN**, a province in China, having all commodities in common with the rest of China, but more particularly musk, precious stones, quicksilver, silk, hemp, or cloths, calico, iron, and a great variety of utensils, wrought to the greatest perfection. From other parts of China they receive cloves, cinnamon, pepper, sandal wood, amber, coral, and many other commodities, both for home consumption and exportation.

**FOREIGN ATTACHMENT** is an attachment of a foreigner's goods, found within a liberty or a city, for the satisfaction of some merchants to whom the foreigner is indebted. See *Attachment, Foreign*.

**FOREIGN COURTS.** Upon a principle of the law of nations every state being free, independent, and uncontrollable, the sentence of any foreign court of competent jurisdiction is not to be called in question, but is admitted as evidence of that fact upon which it is founded. If, however, in such sentence any foreign jurisdiction should state the evidence upon which its sentence or decree is founded, subsequent evidence may be admitted to disprove such evidence, and consequently the sentence or decree which is a deduction from it. But where it is peremptorily given as a sentence, it is conclusive evidence which the English courts will not allow to be questioned.

**FOREIGN STATE** is the dominion of a foreign power.

Thus, if any foreign subject purchase goods in London, and then departs privately to his own country, the owner of the goods may have a certificate from the lord mayor of London, on an affidavit being made of the sale and delivery of the goods, upon which the proper court in that state will execute a legal process upon the party. At the instance of an ambassador also or consul, any criminal flying from justice to any foreign state, may be delivered up to the laws of the country where the crime was committed. Where any contract is made abroad, if the party be resident in England, it may be recovered by the English courts. See *Law of Nations*.

**FOREIGNERS** are persons subject to a foreign state to which they owe an allegiance, and although made free denizens or naturalized in Great Britain, they are nevertheless expressly disabled by the act of settlement from bearing offices in the government, from being a member of the privy council or member of parliament. See *Aliens, Denizen, Naturalization*.

**FORESTALLING** is the buying or bargaining for any corn, cattle, or other merchandize, by the way as they come to the markets to be sold before they are brought, to the intent to sell the same again at an advanced price, or buying or selling the same again in the same market.

In early times, when commerce and population were in their infancy, and the supply precarious, this offence, which is now frequent, under the name of *forehand bargains*, might have been attended with the most injurious consequences, and our ancestors were particular in describing and restraining it. In the Saxon times, by a law of king Ethelstan, "no man was permitted to buy any thing above the value of 20 pence, unless within the gate, and in the presence of the prefect or chief magistrate, or some other trusty person, or some person appointed by the king in some public place of public resort."

And by a law of William the Conqueror, no cattle shall be bought except in towns, and in the presence of three credible witnesses.

All endeavours to inhanche the price of any victuals, and all practices tending thereto, whether buying things in a market before the accustomed hour, or by spreading false rumours, or by buying and selling the same thing in the same market, are highly criminal

by the common law, and all such practices anciently came under the general appellation of *forestalling*.

Several statutes have been made for punishment of forestalling, all of which, however, were repealed by stat. 12 G. III. c. 71; this offence, however, is still punishable upon indictment at common law by fine and imprisonment. See observations upon this species of offence at large under the more appropriate article *Ingraving and Regrating*.

**FORGERY** is where a person counterfeits the signature of another with intent to defraud. This crime is productive of the most fatal consequences in a commercial country, and by the law of England it is made a capital felony. The following points have been determined upon this subject.

A receipt to a cash memorandum is not a receipt or acquittance for the payment of money within 2 G. II. c. 25, against forgery. Forgery may be committed by making a mark in the name of another person.

It may also be committed in the name of a person who never had existence, and it may be committed of an instrument, though such an instrument as the one forged does not exist either in law or fact.

Indorsing a real bill of exchange in a fictitious name is forgery, although the use of a fictitious name was not essential to the negotiation.

A forged bank note (although the word *pounds* is omitted in the body of it), and there is no watermark in the paper, is a counterfeit note for the payment of money.

Altering an entry of money received, made by a cashier of the bank, in the bank book of a person keeping cash there, by prefixing a figure to increase the amount of the sum received, is forging a receipt for money.

A receipt indorsed on a bill of exchange in a fictitious name is a forgery, although such name does not purport to be the name of any particular person.

If a person who has for many years been known by a name which was not his own, and afterward assumes his real name, and in that name draws a bill of exchange, he will not be guilty of forgery, although such bill were drawn for fraudulent purposes.

The following act was passed to prevent forgeries on the bank.

By stat. 41 G. III. c. 57, it is enacted that no person shall make or use any frame or mould for making paper with the name or firm of any person or body corporate appearing in the substance of the paper, without a written authority for that purpose, or shall make or vend such paper, or cause such name or firm to appear in the substance of the paper whereon the same shall be written or printed, on pain of being imprisoned for the first offence, not exceeding two years, nor less than six months; and for the second transported for seven years.

No person shall engrave, cut, etch, &c. any bill or note of any person or banking company, or use any plate so engraved, or any device for making or printing such bill or note, nor shall knowingly have in his custody such plate or device, or shall utter such bill or note without a written authority for the purpose, under the like penalty. S. 11.

No person shall engrave, cut, etch, &c. on any plate any subscriptions, subjoined to any bill or note of any person, or banking company, payable to bearer on demand, or have in his possession any such plate, on penalty, for the first offence, of being imprisoned not exceeding three years, nor less than twelve months, and for the second transported for seven years. S. 111. See *Bills of Exchange*.

FRANCE, an extensive, rich, and populous nation of Europe, having the British channel, the Netherlands, and part of Germany on the north, the Atlantic Ocean on the west, Spain and the Mediterranean on the south, part of Italy, Switzerland, and part of Germany on the east. France being situated in the happiest climates of Europe, abounds in most of the necessaries and many of the luxuries of life. Besides corn, cattle, sheep, fruits, &c. here are raised large quantities of silk, hemp, flax, manna, saffron, timber, and other articles. The wines of Champagne, Burgundy, Bourdeaux, Gascony, and other provinces of France, are too well known to require enumeration; and these, with the attendant article of brandy, form the staple of the country. The silk manufactures of Tours, Lyons, Paris, Chatillon, and Nismes have been carried on with the greatest spirit and activity. The French woollen cloths and stuffs, ribbons, lace, sail-cloth, thread, paper, cambrics, lawns, and plate-glass are also justly celebrated. The commerce of

France, prior to the late revolution, was the greatest in Europe, excepting England and Holland. She employed above a million tons of shipping. Her imports were valued at ten millions, and the exports at 12 millions and a half, making a balance in her favour of two millions and a half. Of the present state of the manufactures and trade of France, and particularly of its commercial relations with Great Britain, it is impossible to speak with any degree of precision. The unsettled situation of the country during the long period of the revolution nearly ruined for a time both their manufactures and commerce. The present government seems to be adopting every possible measure for their regeneration; and since the peace between the two nations there have been negotiations for a new commercial treaty, which, when it takes place, will undoubtedly be much to the interest of both countries.

FRANCE, *National Debt of*. Before the revolution commenced in 1789, the French government paid annually for annuities at the Hotel de Ville a sum equal to 3,400,000*l.* and for interest of perpetual loans about 4,000,000*l.*, making in all about 7,400,000*l.*, which, had the whole been reduced to perpetual debt at five per cent. interest, would have constituted a capital of 114 millions sterling.

During the revolution many of the life renters were put to death, and others died naturally, so that at present, though some fresh debts have been contracted on the same plan, yet the whole annual expence is only 21 French millions, being as nearly as may be one quarter of what it was.

The perpetual loans were diminished in amount by two different operations. All those sums in the names of persons who were either guillotined or fled to save their own lives, had their property confiscated. What remained was divided into three parts, one of which is called the consolidated third, and the other two remain without interest and unsettled as to what is to be done with them. Reducing the life-rents to a perpetual capital, and taking the whole at five per cent., the debt would in all amount to between 40 and 50 millions sterling only. This great diminution has been effected without paying off a single shilling in the usual mode of reimbursement, practiced by other states or individuals.

Besides those debts there remained at last Midsummer about 18 millions sterling of floating debt, and 200,000 to be paid annually in pensions to ecclesiastics and military; but neither the interest of the perpetual loans, the life annuities granted for money lent, nor the pensions, are regularly discharged. The capital of the 3 per cents. is at 33 at present, and pays 6 per cent. interest, that is to say, it affords about 11 per cent. for the capital. The life-rents are in equal discredit, so that with 25 millions, at the present prices, the whole of the national debt of France might be paid off. France is therefore a nation nearly without debt, but it is also nearly without capital for trade, so that it feels more incumbrance, and is under more difficulty in paying the small sum that remains, than the ancient government was with its heavy debts.

**FRAUDS** are deceitful practices contrary to the plain rules of common honesty.

The distinction laid down as proper to be attended to in all cases of this kind, is this, that in such impositions or deceits, where common prudence might guard persons from the offence, is not indictable, but the party is left to his civil remedy; but when false weights or measures are used, or false tokens produced, or such measures taken to defraud or deceive, as people cannot by any ordinary care or prudence be guarded against, there it is an offence indictable, *Burr.* 1120; as causing an illiterate person to execute a deed to his prejudice, by reading it over to him in words different from those written, *Hawth. P. C. c. 71. s. 1.*

By 13 Elizabeth, c. 5. s. 2, 3, all fraudulent conveyances of lands, &c. goods and chattels, to avoid the debt or duty of another, shall (as against the party only whose debt or duty is so endeavoured to be avoided) be utterly void, except grants made *bona fide*, and on a good consideration; and all parties to such fraudulent conveyance, who being privy thereto, shall willingly justify the same to be done *bona fide*, and on good consideration, or shall alienate or assign any lands, lease, or goods so to them conveyed as aforesaid, shall forfeit one year's value of the lands, or other profit out of the same, and the whole value of the goods, and being thereof convicted, shall suffer half a year's imprisonment without bail, the forfeiture to be divided between the queen and the party aggrieved.

By stat. 33 Hen. VIII. s. 1. persons falsely or deceitfully obtaining or getting into their hands or possession, any money, goods, chattels, jewels, or other things of any other person or persons, by colour and means of any privy false token, or counterfeit letter, made in another man's name, to a special friend or acquaintance, for the obtaining of money, &c. from such person, and who shall be thereof convicted by witnesses taken before the lord chancellor, or before the justices of assize, or before the justices of the peace of any court, city, barony, town, or franchise in their general sessions, or by action in any of the king's courts of record, every such offender shall suffer such punishment by imprisonment, sitting upon the pillory, or otherwise, by any corporal pains (except pain of death) as shall be appointed by those before whom he shall be so convicted.

Justices of assize for the time being, as also two justices of the peace in the same county, whereof one to be of the quorum, may convene, by process or otherwise, to the assizes or sessions, and commit him or them or admit to bail, persons suspected of any of the aforesaid offences, until the next assizes or general sessions, &c. S. 3.

By stat. 30 G. II. c. 24, persons convicted of obtaining money or goods by false pretences, or sending threatening letters to extract money or goods, may be punished by fine or imprisonment, or by pillory, whipping, or transportation.

If an infant goes about the town, and pretending to be of age, defrauds any persons by taking credit for goods, and then insisting on his non-age, the person injured cannot recover the value of their goods, but may indict and punish him for a common cheat. *Hawth. P. C. c. 71. s. 6.* Also producing papers purporting to be orders from abroad, and under pretence of being a merchant obtaining goods, *Sayer* 206, or to sell spirituous wine for a genuine commodity under pretence of being a merchant and broker, subject the party to an indictment, the *Queen v. Mackarty* and others, *Mod. Cas.* 389.

**FREEBOOTERS**, pirates who infested the American coast. See *Buccaniers*.

**FREE IMPORTS** are certain articles which are allowed to be imported duty free, as whales, oil, whale fins, turbot, lobsters, &c. bullion, diamonds, precious stones,



stones, &c. Provisions may also now be imported duty free. See *Customs, Exports, and Imports*.

**FREIGHT.** Freight is the consideration money agreed to be paid for the use or hire of a ship, or in a larger sense, the burthen of such ship.

The freight is most frequently determined for the whole voyage, without respect to time; sometimes it depends on the time; in the former case it is either fixed at a certain sum for the whole cargo, or so much per ton, barrel, bulk, or other weight or measure, or so much per cent. on the value of the cargo. The burthen of the ship is generally mentioned in the contract as follows: 300 tons or thereabouts; and the number mentioned should not exceed the exact measure above five tons. If a certain sum be agreed on for the freight of the ship, it must all be paid, although the ship when measured should prove less, unless the burthen be warranted. If the ship be freighted for transporting cattle or slaves at so much a head, and some of them die on the passage, freight is only due for such as are delivered alive; if for lading them, it is due for all put on board.

When a whole ship is freighted, if the master suffer any other goods besides those of the freight to be put on board, he is liable for damages.

If the voyage be completed according to the agreement, without any accident, the master has a right to demand the freight before the delivery of the goods; but if such delivery is prevented by negligence, or accident, the parties will be reciprocally responsible in the following manner:

If the merchant should not load the ship within the time agreed on, the master may engage with another and recover damages.

If the merchant recal the ship after she is laden and sailed, he must pay the whole freight; but if he unload before the ship has actually sailed, he will in such case only be responsible for damages.

If the merchant load goods which are not lawful to export, and the ship be prevented from proceeding on that account, he must nevertheless pay the freight.

If the master be not ready to proceed on the voyage at the time stipulated, the merchant may load the whole or part of the cargo on board another ship, and recover damages, but any real casualties will release the master from all damages.

If an embargo be laid on the ship before she sails, the charter-party is dissolved, and the merchant pays the expence of loading and unloading; but if the embargo be only for a short limited time, the voyage shall be performed when it expires; and neither party is liable for damages.

If the master sails to any other port than that agreed on, without necessity, he must sail to the port agreed on at his own expence, and is also liable for any damages in consequence thereof.

If a ship be taken by the enemy, and retaken or ransomed, the charter-party continues in force.

If the master transfer the goods from his own ship to another, without necessity, and they perish, he is responsible for the full value, and all charges; but if his own ship be in imminent danger, the goods may be put on board another ship at the risk of the owner.

If a ship be freighted out and home, and a sum agreed on for the whole voyage, nothing becomes due until the return of such ship.

If a certain sum be specified for the homeward voyage, it is due, although the correspondent abroad should have no goods to send home.

A ship was freighted to Madeira, Carolina, and home, a particular freight agreed upon for the homeward voyage, with an option reserved for the correspondent at Carolina to decline it, unless the ship arrived before the 1st day of March. The master did not go to Carolina, and therefore became liable to damages; the obligation being absolute on his part, and conditional only on the part of the freighter.

If the goods be damaged without fault of the ship or master, the owner is not obliged to receive them and pay the freight, but he must either receive or abandon the whole; he cannot receive those that are not damaged, and reject the others. If the goods be damaged through the insufficiency of the ship, the master is liable for the same; but if it be owing to stress of weather, he is not accountable. It is the general custom for masters on their arrival, to enter their protest, and in case, on the discharge of the ship, any damage should appear on the loading, to extend the same; but this protest must be supported by evidence of collateral circumstances.

If part of the goods be thrown overboard, or taken by the enemy, the part delivered pays freight.

The master is accountable for all the goods received on board by himself and mariners, unless they perish by the act of God, or the king's enemies.

The master is not liable for leakage of liquors, nor accountable for contents of packages, unless packed in their presence. See *Shipping, Insurance, &c.*

**FUNDS, PUBLIC.** In former times the expences of war were defrayed by extraordinary taxes imposed at the time, or by money that the state had accumulated for the purpose. The expences of wars previous to the invention of gunpowder were very inconsiderable, in comparison to what they are at the present day; what was then practicable, is no longer so now.

The first attempt towards defraying the expences of war by regular loans, was made by the state of Florence in the year 1344, when that government, finding itself indebted to the amount of 60,000*l.* and unable to pay immediately, formed the principal sum into an aggregate fund, the shares of which were transferable, and bore interest at five per cent. per annum, and varying in price according to the state of public credit.

Though at so early a period as that we have mentioned, the system now generally adopted was understood in Italy, and put in practice, yet it was not till the end of the 17th century, that Lewis XIV. of France funded, though in a very irregular manner, the immense debts incurred by his long and expensive wars. King William III. after his arrival in England, engaging in every expensive enterprise, in order to preserve the liberties of Europe from the ambitious grasp of that monarch, who aimed at universal dominion, introduced the system of borrowing into this country; but as he had a spirit of order, and came from the country that possessed the greatest financial knowledge at that time in Europe, he did regularly and systematically, like a merchant, what his opponent Lewis did with the prodigality and profusion of a gay ostentatious landholder. Money has been borrowed every war since. We shall give an account of the particulars, after having first shewn its amount at different periods since the revolution in 1688.

*Table of the Rise and Progress of the National Debt from the Revolution in 1688, till the Month of February 1802.*

	£.
1688 The revolution . . .	600,000
1701 Accession of queen Anne . .	14,000,000
1714 Accession of George I. . .	55,000,000
1728 Accession of George II. . .	50,000,000
1730 Beginning of Spanish war . .	48,000,000
1748 End of Spanish war . . .	78,000,000
1755 Beginning of seven years' war .	74,000,000
1762 Accession of his present majesty	147,000,000
1775 Beginning of American war . .	135,000,000
1784 End of American war . . .	248,000,000
1792 Beginning of last war . . .	243,000,000
1802 End of the war . . .	416,000,000

The debt thus contracted bears interest, and is known by the name of stock; for though it is debt with respect to the nation, it is stock to the persons who receive the interest, and who can transfer or sell the capital when they please.

It consisted of stock of the following denominations previous to the last loan, which yet remains in the market under the denomination of omnium, all the payments not having been fully made up.

*3 per Cent. Consols.*

	£.	s.	d.
Amount of capital as before stated . . .	317,395,183	4	5½
Redeemed by			
land tax . . .	10,454,778	1	8
Ditto by commissioners . . .	29,089,400	0	0
	39,544,178	1	8
Real amount of capital, April 5th 1802 . . .	277,851,005	2	9½

*3 per Cent. Reduced Annuities.*

Amount of capital as before stated . . .	100,091,927	10	4
Redeemed by			
land tax . . .	7,801,611	17	4
Ditto by commissioners . . .	25,185,000	0	0
	32,986,611	17	4
Real amount of capital, April 5th, 1802 . . .	67,105,315	13	0

*4 per*

# F U N

4 per Cent. Consols.

	£.	s.	d.
Amount of capital as before stated	49,725,084	17	2
Redeemed by commissioners	1,470,000	0	0

Real amount of capital, April 5th			
1802 . . . . .	48,255,084	17	2

## Old South Sea Annuities.

Amount of capital, as before stated	11,907,470	2	7
Redeemed by commissioners	2,920,000	0	0

Real amount of capital, April 5th			
1802 . . . . .	8,987,470	2	7

## New South Sea Annuities.

Amount of capital as before stated	8,494,830	2	10
Redeemed by commissioners	2,401,400	0	0

Real amount of capital, April 5th			
1802 . . . . .	6,093,430	2	10

## 3 per Cent. 1751.

Amount of capital as before stated	1,919,600	0	0
Redeemed by commissioners	615,000	0	0

Real amount of capital, April 5th			
1802 . . . . .	1,304,600	0	0

## Imperial 3 per Cent. Annuities.

Amount of capital as before stated	7,502,633	6	8
Redeemed by commissioners	326,327	0	0

Real amount of capital, April 5th,			
1802 . . . . .	7,176,306	6	8

## Recapitulation of Capital.

3 per cent. consols	317,395,183		
3 per cent. annuities	100,091,927		
4 per cent. consols	49,725,084		
Old South Sea annuities	11,907,470		
New ditto	8,494,830		
3 per cents of 1751	1,919,600		
Imperial 3 per cents.	7,502,633		

Total debt	496,836,727	0	0
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# F U N

£. s. d.

Brought over 496,836,727 0 0  
Recapitulation of redeemed Stock.

Redeemed of 3 per cent.			
consols	39,544,78		
Ditto of reduced annuities	32,986,611		
Ditto of 4 per cent. consols	1,470,000		
Ditto of old South Sea annuities	2,920,000		
Ditto of new South Sea annuities	2,401,400		
Ditto of 3 per cent. 1751	615,000		
Ditto imperial 3 per cent. annuities	326,327		

Total amount of funds redeemed	80,263,516	0	0
	416,573,211	0	0

Besides the above there are several sorts of debt owing by the nation :

Omnium, as it is called (in the language of the Stock Exchange) means the last loan, or any loan while the instalments are paying ; navy, victualling, exchequer bills, and ordnance debentures.

These are only temporary as to their form. The omnium resolves itself into the different sorts of stock of which it is composed, and the navy, victualling, exchequer bills, and ordnance debentures, are either paid off, or converted into stock of one or the other of the above descriptions.

The interest receivable on each, is specified by the name it bears, and the capitals may be obtained by a transfer at the bank, and dividends received, as by the following table.

At the Bank of England.	Trans. Days.	Div. Due.
5 per cent. navy anns.	Mon. Wed. Fri.	January 5th, and July 5th.
3 per cent. consols.	Tu. W. Th. F.	
3 per cent. 1726	Tues. & Thurs.	
BANK STOCK	Tues. Th. Fri.	April 5th, and Oct. 10th.
5 per cent. 1797	Tues. Th. Fri.	
4 per cent. consols	Tues. Th. Sa.	
3 per cent. reduced	Wed. Thu. Fr.	
Long annuities	Mon. Wed. S.	
Short annuities	Mon. Wed. Fr.	

At

At the Bank of England Trans. Days.	Div. Due.
per cent. Imp. ans. Mon. W. Fri.	May 1st
Imp. ans. for 25 years Tues. Th. S.	Nov. 1st.
per cent. Imp. ans. Tues. Th. S.	March 25,
Imp. ans. for 15 years Tues. Th. S.	Sept. 29th.
<i>South Sea House.</i>	
South Sea Stock Mon. Wed. Fr.	January 5th, and July 5th.
per cent. New S. S. ans. Tues. Th. S.	
per cent. 1751 Tues. Th. S.	April 5th, Oct. 10th.
per cent. Old S. S. ans. Mon. Wed. Fr.	

Public or common transfers are made of all the funds at the bank, between the hours of eleven and one, on the respective days annexed to them in the table; and all dividends are payable when due, from nine in the morning to eleven, and from one to three in the afternoon, every day in the year, Sundays and holidays excepted; and holders of stock should particularly remember, that when the books of any stock or fund are shut, that the interest or dividend up to that day on which the books were so shut, is due, and can be paid only to that stockholder in whose name the stock stands at that time, or his or her attorney duly authorized, and to no other.

At the South Sea House, transfers are made from 12 to 1, and the dividends are payable from 1 to 3, except on Saturdays.

The three per cent. consolidated annuities originated in 1731, although the balance of the annuities granted by the 8th of G. I. instead of the St. Christopher's and Nevis debentures, on which it was partly founded, and which was the last article carried to this account, were not subscribed into it until the year 1751; and it owes its name to the consolidating act passed in that year.

Letters of attorney for transacting business in this fund cost - - - 16s. 6d.  
Registering a will - - - 2s. 6d.  
Brokerage, 2s. 6d. per cent. on the sum bought or sold.

The four per cent. consolidated annuities originated in 1777 by a loan of 5,000,000l. which capital has been augmented to the sum stated in the table.

The long annuities terminate in 1860, and the short in 1803. They are sold not by a per centage, but as land is, at so many years purchase.

The imperial three per cents. were borrowed for the emperor of Germany, who has given security to

this country. Government is answerable for the payment of the interest, so that to the individuals who purchase into that stock, there is no difference between them and an English fund paying the same interest.

Although the security for all the different denominations of government stock is the same, namely, the revenues of the country, yet some sorts of stock are preferred to others, and consequently the prices are higher; so that the interest produced by the same sum is different when vested in different sorts of stock. The following table will shew the prices at which they ought to be, in order to render the interest on all different sorts of stock equal.

Consols 3 per Ct.	Consols 4 per Ct.	3½ per Ct.	Navy Ct. 5 per Ct.	10 per Ct.	Ind Stock 10½ per Ct.
55½	74	83½	92	185	194½
57	76	85½	95	190	199½
58½	78	87½	97	195	204½
60	80	90	100	200	210
61½	82	92½	102½	205	215½
63	84	94½	105	210	220½
64½	86	96½	107½	215	225½
66	88	99	110	220	231
67½	90	101½	112½	225	236½
69	92	103½	115	230	241½
70½	94	105½	117½	235	246½
72	96	108	120	240	252
73½	98	110½	122½	245	257½
75	100	112½	125	250	262½
76½	102	114½	127½	255	267½
78	104	117	130	260	273
79½	106	119½	132½	265	278½
81	108	121½	135	270	283½
82½	110	123½	137½	275	288½
84	112	126	140	280	294
85½	114	128½	142½	285	299½
87	116	130½	145	290	304½
88½	118	132½	147½	295	309½
90	120	135	150	300	315
91½	122	137½	152½	305	320½
93	124	139	155	310	325½
94½	126	141½	157½	315	330½
96	128	144	160	320	336
97½	130	146½	162½	325	341½
99	132	148½	165	330	346½

Any person who will take the trouble to compare the prices in the above table with the price of the funds on the same day, may easily judge of which it is the most advantageous to purchase into. The 3 per cents. in general are considerably above the proportional price



of the others, which would not be the case if all the purchasers were real holders of stock, but those of the three per cents. are not so.

Besides government stock, there is stock of the Bank of England, and of the India Company, the interest of which is paid with equal regularity. The bank stock amounts to 11,686,000*l*.

No species of property in which money possibly can be invested is realized with such facility as the public funds; it is no wonder then that the monied people prefer those to other securities upon which they receive a greater profit, but with less certainty and punctuality.

India stock is transferable at the India House; transfers are made between the hours of eleven and one, and the dividends are paid from nine till two, except on Saturdays, when no business is done after twelve at noon. The common or public transfers of this stock, as well as those of the Bank and South-Sea stock, although made on the regular days in the table, and within the appointed hours, yet are always attended with the following expences.

	<i>£.</i>	<i>s.</i>	<i>d.</i>
A transfer of bank stock, if under 25 <i>l</i> .	0	9	0
If above that sum	-	-	0 12 0
A ditto of India stock, for any sum	-	1	4 0
A ditto of South-Sea stock, if under 100 <i>l</i> .	0	9	6
If above that sum	-	-	0 12 0

When it is necessary to make or obtain a transfer of some stock or fund, on days or hours contrary to those mentioned in the foregoing table, persons wanting to purchase may always be accommodated at any time during the office hours, where such stock or fund is transferable, except during the first three or four weeks of the books of that stock being shut: if at the Bank, or India-House, upon payment of two shillings and sixpence to the witnessing clerk; and if at the South-Sea House, three shillings and sixpence for any such transfer, be the sum so transferred little or much.

The same stock cannot be twice transferred on the same day, either by public or private transfer.

Letters of attorney to sell stock, or receive dividends, should be taken out at the office where the business of that stock is transacted; and such letters, when executed, must be deposited in that office be-

fore any sale, or other business for which they were granted, can take place.

Probates of wills must also be deposited until registered, which costs 2*s*. 6*d*. and the letters of attorney 16*s*. 6*d*. each. If after granting a letter of attorney for any purpose the grantor acts personally, such action revokes the power of the said letter, and it cannot afterwards be acted upon by the person appointed therein. A provision may be made in the funds for the benefit of any person or persons, independent of any deed or will, provided names of persons so to be benefited are joined with the stockholders in a particular or separate account of stock; which upon proof being given of the death of either of the parties, becomes the property of the remaining survivor or survivors.

In trust accounts, after the acceptance of all the trustees named therein, any one of them may receive the dividends. An act was passed in 1796, by which it is declared, that when stock stands in the name of trustees who have become bankrupts or lunatics, or are absent or out of the jurisdiction of the courts of equity; or who may refuse to transfer the stock so vested in them; in any or all of these cases, the court can order the said stock to be transferred either into the name of the accountant-general of the court of chancery, or into that of the deputy-remembrancer of the court of exchequer, in trust; or to the parties who are entitled to the same. Or if one trustee is a bankrupt or lunatic, or it is uncertain if he be living, and the remainder are willing to act, an order may be obtained, empowering them either to transfer the stock in question, or to receive and pay over the dividends. And in case a bankrupt refuses to transfer stock which belongs to him, the chancellor may (upon a petition from his assignees) order the stock to be transferred into their names. He may also, in certain cases, order the stock of lunatics to be transferred.

Transfers of stock may not only be made on no transferring days by payment of 2*s*. 6*d*. extra, but also after transfer hours; but if the transfer ticket is delivered in within the time appointed, although the transfer has not been actually made, it will save the extra expence. In order to discover stock, in which any person has a particular interest, application should be made to one of the principal clerks of that particular stock, who will make the search.

Stock-holders should be very exact in the insertion of their names and description, and should be attentive to writing in their usual manner, as negligence in those points has frequently occasioned delay and confusion.

Either the person who transfers his property, or his broker, must be known to the witnessing clerk, or their personal identity must be proved by some one who is known in the office.

It is well for the buyer to keep the seller's receipt as a voucher until he has received one dividend.

Government stock is exempt from any change in the transfer; but every transfer in any company, society, or corporation, is liable to a duty.

A transfer of India stock, whatever the sum may be, costs 1l. 4s.; if private, 3s. 6d. extra.

Charge of a letter of attorney is

The registering of a will.

Dividends on Bank stock, South-Sea stock, and India stock, after acceptance, are payable to a written order; those, however, on India stock must be on stamps.

The dividends on Bank stock are payable when due; but the dividends on the stock of other companies, and on the government funds, are not payable till several days after.

The space between the opening and shutting of any stock is about six weeks.

At the time of shutting, the dividends due are carried to a separate account, and cannot be transferred with the stock of a proprietor, the warrants being filled up in the name the stock stands in when the books are shut, and of course are payable only to him or his attorney.

All letters of attorney to sell or accept stock, or to receive dividends, should be taken out at the respective offices, in order that the description may exactly accord with that in the Bank books. Letters of attorney to sell must be deposited in the proper office prior to sale.

Acting personally, after granting a letter of attorney, revokes the power.

The public funds, from their accumulating tendency, have given just rise to the gloomy apprehensions entertained, for nothing is more clear than that there must be some point beyond which they cannot

extend. Where that point is, has been another question, and evidently productive of error; but since the establishment of a sinking fund to pay off the debt, the case is greatly altered; for, as appears by the table already given, a very immense sum has been paid, and that the rapidity with which the fund proceeds is five times as great as it was when first founded, and is increasing every day in the celerity of its progress, not only as compound interest, but by 32d G. III. it is directed, that whenever any money shall be borrowed for the public service, money shall be raised in order to pay off the capital within the space of 45 years from the date of raising it. This alters the nature of the business completely, as the ultimate solvency or insolvency of the nation must depend upon whether the highest burthen we can bear may be contracted before the sinking fund begins to operate in alleviating the burthens on the people. Should this alteration take place, then a stoppage of the payment of interest from inability will never be to be apprehended; such is the consoling prospect that a perseverance in the sinking fund has produced, a fund which, if it had been persevered in from the accession of his present majesty, instead of from the end of the American war, would, before this time, have reduced our debts to little more than one half of their present amount. The annual diminution of the debt previous to the American war was considerable, but the paying off was interrupted by the war, and instead of a provision made for paying off the new debt contracted, the funds destined for paying off the old one were converted to the use of the current expenditure.

Besides our own funds, those of the United States of America may be considered as very solid, and offering a good employment for capital.

*Bank Stock of the United States.* This bank was established by authority of Congress at Philadelphia, in the year 1791. The act of incorporation passed February 25th, in that year. Its capital or joint stock, according to the last accounts received, amounts to 10,000,000 of dollars, at 4s. 6d.; or 2,250,000l. sterling. It is divided into 25,000 shares, of 400 dollars, or 90l. sterling, each share, certificates for which are issued by order and under the seal of the president, directors, and company of the said bank; which certificates entitle the holders of them to such dividends

dividends as shall be declared half yearly, by the said president and directors, on the 1st day of January and the 1st day of July in each year. The above capital consists of 6,000,000 of the six per cent. fund, which has been subscribed into it, and 4,000,000 of dollars in specie. By a resolution of the president and directors of this bank, which passed on the 1st February 1793, dividends upon this stock may be received in London, or Amsterdam, without deduction, on the proprietors signing a requisition for that purpose.

The transfers are made every day by several brokers in London, at their offices, during Exchange hours. The brokerage is one-fourth per cent. on the sum bought or sold.

*Six per Cents.* This fund originated in 1790. Its capital is about 29,046,000 dollars, 62 cents. or 6,500,000l. The certificates of this fund are transferable every day, during Exchange hours. The dividends or interest, which is payable quarterly, become due March 31st, June 30th, September 30th, and December 31st.

Brokerage, as before on the bank stock, one-fourth per cent. on the sums bought or sold.

*New Six per Cents.* In the year 1790 its capital was 14,523,365 dollars, 45 cents.; or 3,267,757l. 4s. 6d.

The interest or dividends upon this fund did not commence until January 1st, 1801, till which time it was what was called deferred stock; since when they become due at the same times as the other six per cents., viz. March 31st, June 30th, September 30th, and December 31st, in every year, until redeemed, for which, as before stated, congress has made provision. These certificates are also transferable as the others.

*Three per Cents.* This fund originated likewise in

1790. Its capital is 19,484,000 dollars, 68 cents.; or 4,384,000l. sterling. The certificates of this fund are transferable, like the others, and the like brokerage, or commission, of one-fourth per cent. on the sum bought or sold.

*Five and One-half per Cents.* This fund originated in an act of congress, which passed March 3d, 1795: it was created for the purpose of liquidating the foreign debt of the United States, and is redeemable at pleasure. Its capital, according to the last accounts received, was 2,000,000 of dollars, or 450,000l. sterling. The dividends upon this fund are payable quarterly, and become due on the 31st of March, the 30th of June, the 30th of September, and the 31st of December, in every year. It is transferable, like all the rest.

The proportion between pounds sterling and dollars, at the exchange of 4s. 6d. per dollar, is as 40 to 9. Thus, to exchange dollars into pounds sterling, multiply the number of dollars by 9, and divide the produce by 40.

To reduce pounds sterling into dollars, reverse the above rule.

The debt of the United States of America, foreign and domestic, amounts to about 17,000,000l. sterling.

The holder of any part of the bank stock, or funds, has a certificate delivered to him, declaratory of the United States being indebted to him, or his assigns, to the amount therein mentioned; and it is the assignment of these certificates, according to a prescribed form, that constitutes the mode of transferring the bank stock, as well as the other funds, in London. Every person possessed of these certificates, may, whenever they chuse so to do, upon application, have his own or any other name, for whom the cash is invested, inserted in the books of the treasury.

# G.

## G A L

**GAIN**, the profit or advantage that accrues from any transaction after all expences are deducted.

**GALATA**, an extensive suburb of Constantinople, opposite to the scraglio, on the other side of the harbour. Christians, Jews, Greeks, Armenians, &c. are allowed to follow their own worship there, and most of them live in that part.

**GALEON**, or **GALLOON**, ships which bring home from Peru the gold, silver, and other produce to Spain. By a regulation of the Spanish government, twelve men of war and five tenders should be annually fitted out as galleons; eight ships of 600 tons each, and five small tenders, for the island of Marguerita; for New Spain two ships of 600 tons each and two small tenders; and for the Honduras fleet two ships of 500 tons. These ships sail from Cadiz in January, in order to arrive at Porto Bello in April, there to receive their loading, and reach the Havannah by the middle of June, where they join the flota, and return to Spain in company. See *Flota*.

**GALLEY**, a low flat-built vessel, so constructed as both to row and sail by means of sails and oars. They are only in use in the Mediterranean, and the largest belong to the Venetians, in some of which there are 1000 or 1200 men. Malefactors are employed to row the galleys by the French, Spaniards, and Italians, when they are chained, and very severely treated.

**GALLIOT**, a small galley used in the Mediterranean; it is chiefly intended for the chase, and all on board are fighting men. It can both sail and row.

**GALLOWAY**, a county in Scotland that lies the most to the south, and the nearest to Ireland. Its productions are in general the same with the other parts of Scotland, and the county gives its name to a particular breed of horses of a middling size, that are strong, active, hardy, and serviceable.

**GALWAY**, a sea-port of Ireland, and capital of the

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county of the same name. It lies on the gulph of Galway, on the west coast, 100 miles from Dublin. Its situation is admirably adapted for trade, and in fact it is one of the most mercantile towns in Ireland. The salmon and herring fisheries are carried on with great spirit; vast quantities of kelp are manufactured; and the linen trade is very considerable, and in a state of progressive improvement.

**GAMBIA**, or **GAMBRA**, the name of a district on the coast of Africa, between Cape de Verd and Cape Rosa, through which runs the river of the same name. On this river the English have several factories, the principal of which is at Fort James, situated on an island in the river. The commerce consists of gold-dust, elephants teeth, and slaves, for which are bartered, brandy, iron and copper utensils, guns, powder, balls, cloths, toys, &c. but particularly iron in bars of twelve inches length and upwards.

**GAMERON**, **GAMBRON**, or **COMBROUN**, called also Bender Abassi, an important commercial town of Asia, in the province of Kerman in Persia. It has no harbour, but a spacious and excellent roadstead, where vessels can lie in five or six fathoms water, perfectly sheltered from storms. It is open to all nations, except the Spaniards and Portuguese; and here are to be seen Persians, Arabs, Indians, Banians, Armenians, Turks, Jews, Moors, English, French, and Dutch. The English carry thither silver, cloths of different kinds, pewter, steel, indigo, silk stuffs, and India cottons. The Dutch cargoes consist of dollars, spices, siampan, anis, and sandal woods, ginger, indigo, vermilion, incense, benzoin, quicksilver, lead, pewter, copper, cloths, and linens. The Indian, Arabic, and Moorish vessels are laden with the products and manufactures of those countries; and the goods that come by the caravans consist in various gold and silver stuffs, velvets, taffeties, porcelain, feathers, morocco leather, wool, brocades, carpets, Turkey



Turkey camblets, and other slighter ones from Arabia, medicinal drugs, horses, dragons blood, manna, myrrh, incense, raisins, dates, but particularly raw silk, which is the greatest article in the Persian trade. The commerce, however, of this place is by no means so great as it has been in former periods.

**GAMING.** By 16 Car. II. c. 7, if any person shall play at cards, &c. other than for ready money, or bet, and shall lose above 100l. at any one time of meeting, upon tick, he shall not be bound to make it good, but the contract or tick and security shall be void, and the winner shall forfeit treble value.

By statute 9 Anne, c. 14, all notes, bills, bonds, judgments, mortgages, or other securities given for money won at cards, dice, tables, tennis, bowls, or other games, or by betting on the sides of such as play, or for repayment of any money knowingly lent for such gaming or betting, shall be void; and, by the same statute, if any person playing at cards, &c. or betting, shall lose the value of 10l. at one time, to one or more persons, and shall pay the money, he may recover the money lost, by action of debt, within three months.

Where two persons played at all-fours for two guineas a game, from Monday evening to Tuesday evening, without any interruption, except an hour or two at dinner, the plaintiff lost fourteen guineas, for which he brought his action on statute 9 Anne, and it was held to be one sitting; one time in the act means one stake or bet, and is distinguished by one sitting, which means a course of play, where the company never parts, though the party may not be actually gaming the whole time. 2 Black. Rep. 1226.

Although the statute 16 Car. II. declares that all contracts for money lost at play, and all securities given for it, shall be utterly void, yet the statute 9 Anne confines itself to the securities for money won at play; upon which it has been determined, that though both the security and the contract are void as to money won at play, only the security is void as to money lost at play, and that the contract remains, and the lender may maintain his action for it. 2 Burr. 1077. 2 Str. 1249.

The statutes having declared the security void, a bill of exchange given for money won at play cannot

be recovered upon, even by an indorser for a valuable consideration, and without notice, the original illegality of the consideration affecting the security even in the hands of an innocent and *bona fide* holder. 2 Str. 1155. Doryl. 636. 736. But it seems that if money be paid on such security, (it may be recovered back; for payment under a void security cannot be supported, nor does the limitation of three months (within which time the loser of money actually paid at the time it is lost must bring his action to recover it back) extend to payments on account of such void securities. Anbl. 269.

An action will lie to recover wagers fairly won, and arising on a contingency, the event of which is unknown to both parties; but it must not be for a blind to an illegal or an immoral transaction. Cowp. 38. 2 Wils. 36. Salk. 354. 1 Lord Raym. 69.

Insuring in the lottery is not gaming within statute 5 G. II. c. 13. s. 12, which will prevent a bankrupt's certificate being allowed. Lewis against Pierey, T. 28 G. III. 1 H. B. 29. See Bankrupt, Insurance.

**GARBLING.** By stat. 27 Edw. III. and 31 Eliz. c. 3, the office of garbling spices, &c. with all the fees and profits thereof, is granted to the mayor and citizens of London; and all spices and drugs are to be cleansed and garbled before sold, on pain of forfeiting the same, or the value. See Charter of London.

**GASCONY,** formerly a province in the south-west of France, now-comprehending the department of Gers and part of that of Landes. The commerce of Gascony consists of corn, wine, brandy, terebenthine oil, pitch, tar, timber, ware, wool, feathers, sail-cloth, &c. The principal commodities, however, are wine and brandy, the best of which are made in the Bazadois, Mount Marsan, Landes, besides others of an inferior quality made at Montauban and several other places in the higher parts of the country. These are exported in vast quantities from the capital, Bourdeaux, which is not only admirably situated for foreign commerce, but has the advantage of the Garonne, on which it stands, of transporting commodities by means of inland navigation through a great part of France. In the several ports of Gascony, Bourdeaux, Libourne, and Bayonne, are carried on fisheries to a great extent, both for home consumption and exportation.

**GAUGER OF EXCISE** is an officer appointed in different parts of the kingdom to ascertain the contents of excisable commodities. By stat. 12 Car. II. c. 24. s. 3, the commissioners or subcommissioners, in their respective circuits and divisions, may constitute under their hands and seals as many gaugers as are needful.

By the laws of excise, the kingdom of England and Wales is divided into about 50 collections; these are subdivided into districts; and each district is again parcelled out into out-rides and foot-walks, within each of which a gauger or surveying officer is appointed.

Any person applying to be made a gauger must produce a certificate that he is above twenty-one, and under thirty years of age; that he understands the four first rules of arithmetic; that he is of the communion of the church of England; how he has been employed, and what business he has followed; that he is not encumbered with debts; whether single or married; and if the latter, how many children he has, for if he have more than two, by the rules of the office he is inadmissible.

He must also nominate two sureties, and produce a certificate signed by the supervisor, and at the bottom of the certificate he must annex his affidavit, that he has given no fee or reward for obtaining an order to be instructed. When this order is obtained, and the instructor certifies that he is fully instructed, he is called an expectant, being to wait till a vacancy happens. See *Excise*.

**GAZETTE**, the only authentic paper published by royal authority. Dissolution of partnerships, commissions of bankruptcy, legal notices by advertisement, must all be inserted in the Gazette.

Proclamations relative to the shutting up the ports, quarantine, embargoes, suspension or continuation of bounties, are all inserted in the Gazette, which is considered as legal notice to all those whom it concerns.

**GENEVA**, a city, the capital of a small republic of the same name, surrounded by France, Savoy, and Switzerland. It is situated on the afflux of the Rhone from the lake of Geneva, in N. lat. 46 deg. 12 min. E. long. 6 deg. 5 min. Geneva produces corn, wine, oil, cattle, hemp, &c.; but, in general, it draws most of

the articles of consumption from the neighbouring countries, which it is enabled to do by means of its manufactures. The principal of these are printed linens, and the stuffs called Indianas; gold and silver lace, embroideries of silk, which are exported to the different countries of Europe, and thence a great proportion to the East and West Indies. The printing business is also a material object of trade, great numbers of books being thence exported through France, Italy, Holland, and Germany. Much trade is also carried on in jewels, both true and false. The article of all others the most important, is the manufacture of clocks and watches, which employs a great proportion of the inhabitants, men, women, and children.

**GENOA**, a republic of Italy; bounded by the Mediterranean on the south, Piedmont on the west, Parma on the north, and Tuscany on the east and south-east. Genoa, the capital, lies in N. lat. 44 deg. 25 min. and E. long. 8. deg. 30 min. The country is very mountainous; but produces excellent wine, oil, and corn, but not sufficient for the consumption of the inhabitants, who import these articles from the Levant. The Genoese make gold and silver stuffs, black and coloured satins, damasks and several other silk stuffs; and particularly velvets, for which this country is very celebrated. The silk used in these manufactures is principally imported from Sicily. Genoa was formerly famous for its manufacture of writing and printing paper, and the exportation of it is still considerable; but other countries are now equal and superior to it in this respect.

The manufacture of velvet and stuffs is carried on throughout all parts of the country by peasants, who at the same time cultivate their little farms. They are obliged, however, before they can work for the merchant, to purchase their right of freedom, which costs 100 livres Genoese. To acquire the right of having these stuffs made, and selling them, costs a great deal more.

Besides the articles already mentioned, Genoa exports olives, sweetmeats, silk stockings, soap, rice, anchovies, Parmesan cheese, almonds, lemons, marble, coral, and also coffee, cotton, and dying and medicinal drugs from the Levant.

**GEORGIA**, a country of Asia, one of the seven Caucasian

casian mountains in the countries between the Black Sea and the Caspian. It is divided into Turkish and Persic Georgia. The great article of commerce of these countries is that of slaves, male and female; which, however, are less valued than those of Circassia. Hence are also exported silk, ox and buffaloes hides, peltry, honey, cotton, and goats wool; and, besides these, the various commodities of the interior countries which pass through this. The Armenians and Greek merchants bring hither quantities of stuffs of different sorts from Venice and Scio, which they sell to great advantage. Woollen, cotton, coarse Indian and other cloths, silk and other stuffs, embroidery, gold and silver lace, cochineal, and indigo, are also imported into Georgia from different quarters.

GEORGIA, the southernmost of the United States of America, bounded on the east by the Atlantic Ocean, on the south by the Floridas, on the west by the Mississippi, and on the north by Carolina. Its capital is Augusta. The principal produce of this state is rice, which is cultivated all along the coast in great abundance. The land also produces wood of different kinds, particularly oak, hickory, and mulberry; and corn, tobacco, snake-root, sago, maize, cotton, and indigo: and, besides these, it exports naval stores, leather, deer skins, and wax. The importations are West India commodities, tea, wines, stuffs, hardware, cloth, shoes, &c.

GERMANY, a large empire in Europe, composed of a great number of demi-sovereign states. It abounds in metal and minerals. Many places in the circle of Austria, and other parts of Germany, contain mines of silver, quicksilver, copper, tin, iron, lead, sulphur, vitriol, and saltpetre. Salt mines, and salt pits, are found in Austria, Bavaria, Silesia, and Lower Saxony, as are carbuncles, amethysts, jasper, sapphires, agate, alabaster, several sorts of pearls, and turquois stones. In Bavaria, Tyrol, and Liege, are quarries of curious marble, slate, chalk, ochre, red lead, alum, and bitumen; besides other fossils.

Germany has vast advantages in point of commerce from its situation in the heart of Europe, and perforated, as it were, with great rivers. Its native materials for commerce (besides the mines and minerals already mentioned) are hems, hops, flax, tobacco,

saffron, madder, and trussels. Germany exports to other countries, corn, tobacco, horses, lean cattle butter, cheese, honey, wax, wines, linen and woollen yarn, ribands, silk and cotton stuffs, tays, turnery wares, in wood, metals and ivory, goat skins, wool, timber, both for ship-building and houses, cannon and balls, bombs and bomb-shells, iron plates and stoves, tinned plates, steel work, copper, brass wire, porcelain, earthenware, glass mirrors, hogs bristles, mum, beer, porter, smalts, Prussian blue, printers' ink, and many other things. The trade of the different countries and places of Germany will be found under their proper heads.

GIBALTAR, a promontory on the southern point of Spain, situated in N. lat. 45 deg. 50 min. and W. long. 5 deg. 35 min. Both in a military and commercial view, this celebrated fortress is of great importance, as being the key to the Mediterranean. It has two harbours, the one lying to the north, and which can only accommodate small vessels; the other, which has an excellent stone quay, is fit for the reception of large ships. The bay of Gibraltar is eight miles in length, and five in breadth; and in which a fleet may lie in great safety close under the fortress. The strait of Gibraltar is 13 miles broad. Gibraltar itself is well known to be little else than a mere rock, and only important to this country from its situation. The intercourse between it and the adjacent Spanish territory, as well as the opposite coast of Barbary, has been heretofore troublesome, even in time of peace, on account of the delay and expence of the necessary passports; but, since the government of his royal highness the duke of Kent, those passports, either for pleasure or business, have been granted without difficulty, without delay, and entirely without expence.

The trade has been freed from all restraints, and wisely left to its own natural channel, as the most likely means of promoting its increase. Permits for landing or shipping goods are indeed required, to ascertain the annual amount of the exports and imports; but they can always be had *gratis* at the secretary's office the instant they are applied for. The beneficial consequences of his royal highness's government have already strongly manifested themselves in an astonishing increase in the value of landed pro-

perty, and the avidity with which people from all quarters solicit permission to settle here.

**GLARIS**, one of the Swiss cantons; bounded on the east by the Grisons and Sargens, on the north by Gaster and the lake of Waklestark, on the west by the canton of Schwitz, and on the south by the canton of Uri and part of the Grisons. The inhabitants carry on a great trade of a sort of cheese peculiar to the country, which, being in high estimation, is sent all over Europe. The late quarries of this canton are also very celebrated, and furnish tops of tables of great beauty, and prodigious size.

**GLASGOW**, the second town in Scotland for size and population, and the first for trade and manufactures. The situation of Glasgow lays well for trade with Ireland, with which it had a considerable intercourse; but it was the commerce with America, before the revolution in that country, that raised Glasgow to be one of the third-rate places for trade in the kingdom. When the American war commenced, the trade of Glasgow was interrupted, and above 1,500,000 of debts due were suspended. The city felt the blow severely, and its commerce languished; but the enterprize and capital of the inhabitants were soon turned to another channel, and, in place of being merely merchants, the inhabitants became manufacturers, and actually rival Manchester in many of its finest and best articles of manufacture. Glasgow is peculiar in two instances from almost any other commercial place; in this country, it is the only one where manufactures and commerce flourish, and where there is an university; and it is perhaps the only place in the world that, losing its original commerce, turned its capital and industry, with energy and advantage, into a new line. Glasgow contains about 50,000 inhabitants, and is inferior to no manufacturing and trading town either in buildings, or in public spirit.

**GLASS.** See *Excise*.

**GLOUCESTERSHIRE**, a rich and extensive county of England; bounded on the west by Monmouth and Hereford, on the north by Worcester, on the east by Oxford and Warwick, and on the south by Somerset and Wiltshire. The city of Gloucester, its capital, lies on the banks of the Severn, in W. long. 2 deg. 16 min. and N. lat. 51 deg. 50 min.

This county yields most luxuriant pasture, where are fed some of the finest cattle in the world, and from whose milk is made the celebrated Gloucester cheese, of which immense quantities are sent through all England, as well as exported to foreign countries; and a good deal of woollen cloth is here made. Gloucestershire is also famous for its coal and iron mines. The miners, who occupy many towns and villages, have their particular laws, customs, courts, and judges. A navigable canal is made from Stroud to Framilode, forming a junction between the Severn and Thames.

**GOA**, a city of Asia, on the peninsula on this side the Ganges, situated in E. long. 74 deg. N. lat. 15 deg. 31 min. It is the capital of the Portuguese settlements in India, and the seat of a viceroy. The inhabitants of Goa purchase of the Portuguese silks, damasks, velvets, cotton, porcelain, and other commodities of China, Cambia, and Bengal. The Portuguese and Mestecs inhabiting Goa trade to Bengal, Pegu, Malacca, Cambia, China, and other places. Thither, especially to China, they carry a great variety of European merchandizes, as woollen cloths, particularly scarlet, all sorts of glass and crystal, clocks, watches, jewels, wines, &c. The people of Goa also trade with Macao, Persia, and to Ormus, a small island on the continent of Persia, whither they carry horses, dates, almonds, raisins, silk, cotton, cloths, &c. which foreign vessels attend there to receive. Arrack is one of the principal productions of Goa.

**GOLCONDA**, a kingdom of the Deccan of Hindoostan, the capital of which, likewise called Golconda, lies in E. long. 70 deg. 10 min. and N. lat. 16 deg. 30 min. It is bounded on the north by Oriza, on the west by Balagate, on the south by Basnagar, and on the east by the Gulph of Bengal. It abounds in rice, corn, and other necessities of life. The indigo is likewise in considerable quantity, and of a tolerable quality. Here are also mines of salt, fine iron for sword blades, and valuable manufactures of calicoes, muslins, and chintzes. The most precious commodity of Golconda, however, is its diamond mines, which are the richest in the world. The two principal of these mines are Raolconda and Gani, or Coulour. The diamonds are usually purchased



chased of the black merchants, who buy parcels of ground to search for these precious stones. They sometimes fail in meeting with any, and in others, they find immense riches.

**GOLD COAST**, a maritime country of Guinea, where the Europeans have several forts and settlements. The negro inhabitants carry on a trade with the Europeans for gold; and many of them are employed in fishing, and cultivating rice, which grows in great quantities. This they exchange with others for Indian corn, yams, potatoes, and palm oil. See *Guinea*.

**GOLD and GOLDSMITHS**. By stat. 28 Ed. I. c. 20, gold and silver manufactures are to be assayed by the warden of the Goldsmiths' Company in London, and marked; and gold is to be of a certain touch. By stat. 37 Ed. III. c. 7, goldsmiths were to have their own marks in plate after the surveyors have made their assay; and false metal was to be seized and forfeited to the king. By 2 Hen. VI. c. 14, work of silver made by goldsmiths, &c. is to be as fine as *sterling*, except the solder necessary, and marking other works incurs a forfeiture of double value.

By stat. 18 Eliz. c. 15, goldsmiths shall not take above 1s. per ounce of gold, beside the fashion, more than the buyer may be allowed for it at the king's exchange; and if found faulty after having been marked, the wardens and corporation shall forfeit the value of the thing so sold or exchanged.

By stat. 6 and 7 W. III. c. 17, the cities of York, Exeter, Bristol, Norwich, and town of Newcastle, are appointed places for assaying gold and silver plate.

By stat. 12 G. II. c. 26, gold plate made by goldsmiths shall contain 22 carats of fine gold, and silver plate 11 ounces and two pennyweights of silver in every pound troy, or they shall forfeit 10l.; and no goldsmith shall sell any such plate until marked with the first letters of the maker's christian and surname, the marks of the city of London being the leopard's head, lion *passant*, &c., and those made use of by the assayers at York, Exeter, &c. All persons making plate are to enter their marks, names, and places of abode in the assay office. They are likewise to send with the plate required to be marked a particular account thereof, in order to be entered, &c. or forfeit 5l. The assayers determine what solder is necessary about

plate, and judge of the workmanship, and for good cause may refuse to assay it; and if any parcel be discovered of a coarser alloy than the standard, it may be broke and defaced.

**GOREE**, an island on the west coast of Africa, off Cape de Verd, situated in E. long. 4 deg. 51 min. and W. lat. 14 deg. 40 min., successively occupied by the Dutch, French, and English, but guaranteed to France by the treaty of peace of 1783. Goree, though of no importance from its productions, is eminently so in a commercial view, in consequence of its situation. It traffics with the kingdoms of Damel, Baol, Sin, Thin, Salum, and Bar; and also the river Gambia, as high as Albreda, opposite to Fort James, which the English occupy in the middle of that river. This commerce is peculiar to the French, who exclusively possess the coast of the above six kingdoms. The factories are established in such of the most considerable villages as are most commodiously situated for commerce, and where the French residents treat with the natives for slaves, ivory, gold dust, and other productions of the countries in the neighbourhood, for which they barter all the variety of European commodities that are best adapted to the African market. See *Guinea*.

**GOTTENBURGH**, an opulent and commercial town in Sweden, with a good harbour and well furnished dock-yards, situated at the mouth of the river Goethelba, in E. long. 10 deg. 5 min. and N. lat. 51 deg. 32 min. Here are manufactured cloths and other stuffs, printed linens, and refined sugar. The herring fishery is its most considerable article of commerce, there being exported thence annually upwards of 600,000 barrels, besides 30,000 barrels of fish oil. The company established at Gottenburgh, in the year 1753, under the title of the *Swedish East India Company*, has served much to extend and improve the commerce of Gottenburgh. This company sends to India two, and sometimes three ships. It is well administered, under the government of four ordinary and four extraordinary directors. With respect to the trade of this company, Sweden having few commodities or manufactures to export, the captain of the ship bound to China puts in at Cadiz, where he borrows, in the name of the company, 100,000 piastres at 30 per cent. interest; thence he sails for

Canton, where he purchases tea, porcelain, and other commodities of China, which are sold in Sweden at a great profit, after payment of the principal and interest due at Cadiz.

By a navigation act passed by the Swedish diet in 1772, foreign vessels can only carry to Sweden the productions of their country; and can only carry them to one part, without the liberty of transporting them thence to another.

**GOVERNMENT**, an orderly power constituted for the public good, to maintain order, distribute justice, &c. &c.

Mankind have never been found living in any state or situation, however ignorant or rude, in which there was not some sort of subordination and government: so necessary it is to have some ruling authority for the security of the lives, liberties, and property of men in a state of society.

The same differences of opinion and opposition of interests that render government of some sort so indispensably necessary for the peace and protection of mankind, have given rise to many different forms of it. The variety that different opinions and circumstances have given rise to, is, indeed, almost infinite; they may, however, be reduced to three kinds: the government of *one*, the government of the *many*, or a mixture of the two, which makes a third. The first is termed absolute monarchy; the second republican; and the third mixed monarchy. These again divide themselves into an infinite number of shades; but so far as the experience of past times has taught us, (and experience has been found on this subject a much safer and more unerring guide than theory), a mixed monarchy is that which unites the advantages wished to be attained in the most complete manner of any.

Pure monarchy, when the sovereign is not controuled by any law, is almost without example, and is liable to great abuse. The principle of it is exploded in every enlightened state of society. As the whole of the people never can be admitted into a share of the government, and as indeed the great number can only act by representatives, the republican government is susceptible of very great variety in its form and modification, and to still more in its manner of being put in action and administered. A

governing power where unity of will and opinion is easily obtained, but subject to the controul of the representatives of those governed, is most likely to be the best, if we take reason for our guide; just as a bargain is likely to be the fairest where the buyer and seller are both concerned in regulating it.

**GOVERNOR**, in commercial affairs, is a person appointed to have the principal management in the affairs of a company. The governor of the Bank of England and East India Company are chosen from amongst the directors. See *Bank, East India Company*.

**GRACE**. See *Days of Grace, Usance*.

**GRANADA**, a kingdom and province of Spain, bounded on the west and north by Andalusia and Mercia, and on the south and east by the Mediterranean. Its capital is the city of Granada. The soil is very fertile, and produces corn, wine, oil, flax, hemp, fruit, sugar, dates, and gall nuts. Its most important commerce, however, is silk, which is collected in great quantities; the country containing abundance of mulberry trees, on which the silk-worms feed. This silk is particularly excellent for sewing.

**GRAVESEND**, a town in Kent, situated on the river Thames, at 23 miles distance from London. All outward bound ships from London are obliged to anchor off the town, in order that they may be visited by the custom-house officers. Ships homeward bound take in waiters, if they have not got them before. See *Customs, &c. &c.*

**GREENLAND**, is a general name by which is now denoted the most easterly parts of America stretching towards the north pole, and likewise some islands northward of the continent of Europe, lying in very high latitudes. It is divided into two parts, viz. West and East Greenland. West Greenland is now considered as part of the continent of America. The part of which the Europeans have any knowledge is bounded on the west by Baffin's Bay, on the south by Davis's Straits, and the east by the northern part of the Atlantic Ocean. It is a very mountainous country, and in many places so high, that it may be discerned 30 leagues off at sea. The inland mountains, hills, and rocks are covered with perpetual snow; but the low lands on the sea side are clothed with verdure in the summer season. The coast abounds with  
inlets,

inlets, bays, and large rivers, and is surrounded with a number of islands of different dimensions. In a great many places, however, on the eastern coast especially, the shore is inaccessible, by reason of the floating mountains of ice: that part of the country which is now visited and settled by the Danes and Norwegians, lies between the 64th and 68th degrees of north latitude; and thus far it is said the climate is temperate. The soil of Greenland varies like that of all other mountainous countries. Greenland is conceived to contain many mines of metal, though none of them are wrought. Whales, sword fish, porpoises, &c. abound on the coasts. The Greenlanders are employed all the year round in fishing or hunting. This country is but thinly inhabited.

East Greenland was a long time considered as a part of the continent of West Greenland, but is now discovered to be an assemblage of islands lying between 76 deg. 64 min. and 80 deg. 30 min. of north latitude, and between 9 deg. and 20 min. of east longitude.

There is a good anchorage in Schmeerenburgh Harbour, lying in north latitude 74 deg. 44 min. east longitude 9 deg. 50 min. 45 sec. lying in 13 fathom, sandy bottom, not far from the shore, and well sheltered from all winds: close to this harbour is an island called Amsterdam Island, where the Dutch resort for the latter season of the whale fishery. These islands are totally uninhabited; and although the Dutch attempted to form a settlement without success, yet, by a late account, six Russian sailors continued four years in this inhospitable country, which affords a decisive proof that a colony might be settled in East Greenland, provided the doing so could answer any purpose. See *Fisheries, Greenland Company*.

**GREENLAND COMPANY.** By stat. 4 and 5 W. III. c. 17, entitled An act for the regaining, encouraging, and settling the Greenland trade, 40,000l. was to be raised by subscribers, who were incorporated; and the company to use the trade of catching whales, &c. into and from Greenland and the Greenland seas; they might make bye-laws for government, and of persons employed in their ships, &c. But by stat. 1 Anne, c. 16, s. 1, the trade to Greenland is free to all British subjects. See *Fisheries, Navigation*.

**GREENWICH HOSPITAL.** By stat. 1 Jac. II. c. 13, for the support and maintenance thereof a duty was laid on all foreign built ships, for relief of decayed seamen in the said hospital. By stat. 8 and 9 W. III. c. 23, and 10 Anne, c. 17, every seaman shall allow out of his wages 6d. a month for the better support of the said hospital; and if wounded in defence of merchant ships, may be admitted into the hospital: the last act also gives shares of prize money not claimed to the hospital, and regulates the same. By stat. 2 G. II. c. 7, this duty is to be paid by the master, &c. before the ship or vessel may be cleared inwards, by the officers of the customs, on forfeiture of 20l. by every customer, collector, comptroller, receiver, &c. who shall clear any ship, grant any warrant, cocket, transire, return, or discharge, or suffer such vessel to go out of port till certificate be produced of the payment of the duty, and that such master is not more than 30 days in arrear. The stat. 18 G. II. c. 31, provides and secures the payment of 6d. per month by every officer and seaman in any privateer or private ship of war having a letter of marque. By stat. 3 G. III. c. 16, the commissioners or governors, after defraying the expences of the hospital, are empowered to grant out-pensions to such worn out and decrepit seamen in the king's service as are not provided for within the hospital. See *Prize, Shipping*.

**GRENADA**, one of the windward Caribbee Islands. Its principal port is Basseterre, or St. George's, lying on the west side of the island, in the middle of a large bay, in W. long. 61 deg. 40 min. and N. lat. 12 deg. This island is in possession of Great Britain. The soil is generally fertile, watered with a variety of streams, and produces a considerable quantity of sugar, besides rum, coffee, cocoa, tobacco, cotton, and indigo. Adjoining to Grenada are about a dozen small isles, called the Grenadines, where there is also a considerable quantity of sugar raised.

**GROCERY.** Under this denomination are comprehended the following articles, viz. almonds, aniseeds, currants, dates, figs, ginger, liquorice juice, powder and root, pepper, pimento, plums, dried prunes, raisins of all sorts, sugar-candy, and sugars. See *Excise, Exports, Imports*.

**GRONINGEN**, a large and populous city belonging to

the United Provinces; it carries on a considerable trade, and in particular with Hamburgh, Bremen, and other places to the north of Germany. The harbour is large and commodious.

**GROUNDAGE**, a small duty, payable in certain ports by ships coming to anchor. See *Anchorage*.

**GROSS WEIGHT**, the whole weight of goods or merchandize, including the dirt, dross, &c. mixed therewith, and of the chest, bag, &c. out of which tare and tret are deducted. See *Tare* and *Tret*.

**GUADALOUPE**, a French island, one of the leeward Caribbee Islands. Its centre is in N. lat. 16 deg. 30 min. and W. long. 61 deg. 20 min. It produces the same articles as the other Antilles, namely sugar, rum, coffee, cocoa, cotton, &c. Like the other French islands, it has suffered much during the revolution.

**GUAM**, the largest of the Ladrone Islands. The climate is excellent. There is no port that is better for restoring sailors to health after the fatigues and diseases that are incident to long voyages by sea. The water, air, and vegetables are excellent, and flesh-meat and poultry abundant. This is the only one of the Ladrone Islands on which there is a town and fort in the European style, peopled with civilized inhabitants.

**GUARANTEE**. See *Indemnification*, *Security*.

**GUATIMALA**, a kingdom of Mexico, containing the provinces of Guatemala Proper, Chiapa, Honduras, Nicaragua, Costa-rica, and Veragua. The indigo produced here is superior to any other raised in America; and of this valuable commodity it furnishes Europe alone annually 2,500 scrons, which sell on an average at Cadiz for 320 dollars each. It is conveyed on mules backs, with some other articles of less importance, to the town of St. Thomas, 60 leagues from the city of Guatemala, in the bottom of a deep lake, which loses itself in the Gulph of Honduras. The merchandise remains here to be exchanged for those sent from Europe by three or four vessels, which arrive annually in July or August. Besides indigo, Guatemala produces cochineal and cotton; but no mines have been discovered there.

**GUELDERLAND**, one of the Seven United Dutch Provinces, which is intersected in a very uncommon manner by navigable rivers, the Waal, the Yssel, and the Leck, beside smaller streams and great numbers of canals.

**GUERNSEY**, an island in the English Channel, on the coast of Normandy, belonging to Great Britain, but, like the adjacent islands of Jersey and Sark, governed by its own laws. The soil is tolerably fertile, and produces corn and cattle; of the latter, the cows are in great estimation from the richness of their milk, and many of them are, on that account, imported into England. But commerce is the principal object of the inhabitants, and for which the situation of the island renders it particularly favourable. Guernsey is situated well, both for fair trade and contraband, particularly in wines and brandies. After the commutation act, and other regulations which tended greatly to destroy the importance of this place, it fell considerably to decay; but since the former duties have been renewed, the old trade begins to revive, and the island will soon, in all probability, be in as good a state as at any former period.

**GUIANA**, a large country on the north-east coast of South America, between the rivers Oronooko and Amazons. It is divided into French and Dutch Guiana; the former consisting of the colony of Cayenne, and the latter of Surinam, Berbice, Demerary, and Issiquibo, which were taken by the English in the course of last war, but restored to the Batavian government by the definitive treaty of peace. Spain and Portugal also have colonies in this neighbourhood, but of those belonging to Portugal a valuable part has been ceded to France. See *Berbice*, *Cayenne*, *Demerary*, *Surinam*.

**GUINEA**, a country having a vast extent of coast on the east of Africa. Its limits, however, are by no means ascertained. The name is given, in general, to all the tract where European nations purchase negro slaves. The coast where this traffic is carried on extends from Cape Blanco, lying in N. lat. 19 deg. 40. min. to the Cape of Good Hope, in S. lat. 35 deg. Through all this extent of country the productions and commerce are nearly the same. Considerable quantities of gold are collected, particularly on the Gold Coast. It is brought down from the mountains by the periodical floods, both in pieces and dust, and is gathered by the inhabitants, and by them disposed of to the Europeans in its natural state. Elephants teeth, gum, and other articles of smaller value, are the other commodities to be purchased



chased in Guinea; but the principal branch of commerce is that of slaves. In return for these the European merchants barter principally iron and brandy, which are indispensable. Besides these the most necessary articles are muskets, gunpowder, coarse linens, checks, stripes, handkerchiefs, shoes, slippers, ribbons, hardware, glass, and earthen ware, copper, coral, beads, toys, &c. &c. The computation of the price of articles is made by *bars*, which vary in value in the different parts of the country, as well as at different times.

**GUNPOWDER and COMBUSTIBLES.** By stat. 12 G. III. c. 61, repealing all other acts, and reducing into one, all former acts relative to the making, keeping, and carriage of gunpowder, no persons shall make gunpowder but in the regular manufactories established at the time of making this statute, or licensed by the sessions, pursuant to certain provisions, under forfeiture of the gunpowder and 2s. per lb., nor are *pestle mills* to be used, under a similar penalty. S. 1, 2. Only 40 lbs. of powder to be made at one time under one pair of stones, except Battle powder, made at Battle and elsewhere in Sussex. S. 3, 5.

Not more than 40 cwt. to be dried at a time in one stove; and the quantity only required for immediate use to be kept in or near the place of making, except in brick or stone magazines, 50 yards at least from the mill. S. 6 and 7.

Gunpowder manufacturers to have a brick or stone magazine near the Thames, below Blackwall, to keep the gunpowder when made, on penalty of 25l. per month, and 5l. per day for not removing it with all possible diligence when made. S. 8. No charcoal to be kept within 20 yards of the mill. S. 10. No dealer to keep more than 200 lbs. of powder, nor any person, not a dealer, more than 50 lbs. in the cities of London or Westminster, or within three miles thereof, or within any other city, borough, or market town, or one mile thereof, or within two miles of the king's palaces or magazines, or half a mile of any parish church, on pain of forfeiture, and 2s. per lb., except in licensed mills, or to the amount of 300 lbs. for the use of collieries, within 200 yards of them. S. 12.

Sections 13, 14, 15, and 16, contain provisions respecting the licensing mills, building magazines.

Not more than 25 barrels to be carried in any land carriage, nor more than 200 barrels by water, unless going by sea or coastwise, each barrel not to contain more than 100 lbs. S. 18.

Sections 19, 20, 21, and 22, point out various means for safe conveyance of gunpowder, both by land and water, and to prevent all danger or delay.

No gunpowder to be received on board any vessel outward bound (except for his majesty's service), before such vessel shall be at, over against, or below Blackwall. And the master of every ship, &c. coming into the Thames, shall put on shore all the gunpowder on board such ship, &c. except 25 lb., either before the arrival of the ship at Blackwall, or within 24 hours after her coming to an anchor there, if the weather shall permit, on forfeiture for every offence of all the gunpowder found on board above 25 lb., and also 2s. for every pound of gunpowder above 25 lb. S. 24.

The Trinity House to appoint searchers for unlawful quantities of gunpowder in vessels in the river Thames, who are authorized, at any time between sun-rising and sun-setting, to enter into any ship or vessel (except his majesty's ships) in the river Thames above Blackwall, and may search and seize unlawful quantities of gunpowder. S. 25.

By the 31st section of this act, all former statutes relative to the keeping and carriage of gunpowder are repealed.

By the wet dock act, the 39th & 40th G. III. c. 47, all such vessels as shall have on board any gunpowder exceeding the quantity of one pound, shall, before they enter any of the docks, basins, or cuts, land all their gunpowder, and unlade and clear their guns; and no tar, pitch, resin, hemp, flax, faggots, furze, turpentine, oil, hay, straw, tallow, grease, shavings, or combustibles shall be or remain upon the deck of any vessel in the said dock, above the space of 12 hours, under penalty, on the owner of such goods, &c. or the commander, master, or mate of the vessel making default therein, not exceeding 10l. nor less than 5l. See *Part of London*...

GUZURATE, a maritime province of India, on the coast of Malabar, in the dominions of the Great Mogul; it is a peninsula, formed by the gulphs of Cambay and Sindi. The capital is Amadabad, situated on the banks of a navigable river that falls into the gulph of Cambay, in E. long. 72 deg. 37 min. and N. lat. 22 deg. 58 min. The country is rich and fertile, so as not only to maintain the inhabitants, but to furnish articles for exportation. Besides corn,

cattle, sheep, and other animals, it produces various medicinal drugs, oil, soap, sugar, wax, honey, indigo, cotton, tobacco, camphire, assa foetida, rock crystal, precious stones, dying woods, perfumes, lapis-lazuli, borax, benzoin, long pepper, cummin, ginger, salt, and butter. The Europeans furnish this and other territories of the Great Mogul with pewter, vermilion, all sorts of cloth, ivory, sandal wood, cloves, porcelain, China stuffs, gold and silver vessels.

## H.

### H A B

**H**ABEAS CORPUS is the subject's *writ of right*, in cases where he is aggrieved by illegal imprisonment, or an unwarrantable exercise of power. This writ is founded upon common law, and has been secured by various statutes, of which the last and the most efficacious was the 31st of Charles the Second, c. 2, which is emphatically termed the *habeas corpus act*. This act may justly be deemed a second *magna charta*.

By this important statute it is enacted, that on complaint in writing, by or on behalf of any person committed and charged with any crime (unless committed for treason or felony expressed in the warrant, or as accessory, or on suspicion of being accessory before the fact to any petit treason or felony plainly expressed in the warrant, or unless he is convicted or charged in execution by legal process), the lord-chancellor, or any of the twelve judges in vacation, upon viewing a copy of the warrant, or affidavit that the copy is denied, shall (unless the party has neglected for two terms to apply to any court for his enlargement) award an *habeas corpus* for such prisoner, returnable immediately before himself or any other of the judges, and upon return made shall discharge the party, if bailable, upon giving security to

### H A B

appear, and answer to the accusation in the proper court of judicature.

2. That such writs shall be indorsed, as granted in pursuance of this act, and signed by the person awarding them.

3. That the writ shall be returned, and the prisoner brought up within a limited time, according to the distance, not exceeding in any case 20 days.

4. That the officers and keepers neglecting to make due returns, or not delivering to the prisoner or his agent, within six hours after demand, a copy of the warrant of commitment, or shifting the custody of a prisoner from one to another without sufficient reason or authority (specified in the act), shall, for the first offence, forfeit 100l. and for the second offence 200l. to the party grieved, and be disabled to hold his office.

5. That no person, once delivered by *habeas corpus*, shall be recommitted for the same offence, on penalty of 500l.

6. That every person committed for treason or felony shall, if he requires it, the first week of the next term, or the first day of the sessions of oyer and terminer, be indicted in that term or session, or else be admitted to bail, unless the king's witnesses cannot be

produced

produced at that time; and if acquitted, or if not indicted and tried in the second term or session, he shall be discharged from his imprisonment for such imputed offence: but that no person, after the assize shall be open for the county in which he is detained, shall be removed by *habeas corpus* till after the assizes are ended, but shall be left to the justice of the judges of assize.

7. That any such prisoner may move for and obtain his *habeas corpus*, as well out of the Chancery or Exchequer, as out of the King's Bench or Common Pleas; and the lord chancellor or judges between the same, on sight of the warrant or oath that the same is refused, forfeit severally to the party grieved the sum of 500*l*.

8. That this writ of *habeas corpus* shall run into the counties palatine, cinque ports, and other privileged places, and the islands of Jersey and Guernsey, &c.

9. That no inhabitants of England (except persons contracting, or convicts praying to be transported, or having committed some capital offence in the place to which they are sent) shall be sent prisoner to Scotland, Ireland, Jersey, Guernsey, or any places beyond the seas, within or without the king's dominions, on pain that the party committing, his advisers, aiders, and assistants, shall forfeit to the party grieved a sum not less than 500*l*. to be recovered with treble costs, shall be disabled to bear any office of trust or profit, shall incur the penalties of *præmunire*, and shall be incapable of the king's pardon.

The writ of *habeas corpus* being a high prerogative writ issuing out of the King's Bench or Common Pleas, not only in term but in vacation, by a fiat from the chief justice, or any other judge, and running into all parts of the king's dominions; if issuing in vacation, it is usually returnable before the judge himself who awarded it, and he proceeds by himself thereon, unless the term should intervene, when it may be returned in court.

To obtain this writ, application must be made to the court by motion, as in the case of all other prerogative writs.

This writ may also be obtained to remove every unjust restraint of personal freedom in private life, though imposed by a husband or a father; but when women or infants are brought up by *habeas corpus*, the

court will only set them free from an unmerited or unreasonable confinement, and will leave them at liberty to choose where they will go.

HAAGUE, a large city in the province of Holland, and the seat of the Dutch government. It is almost the only large and flourishing city in that country which is not supported by foreign trade. It contains from 40 to 50,000 inhabitants.

HAINAULT, a province of Flanders, divided into French Hainault, the capital of which is Valenciennes; and Austrian Hainault, the capital of which is Mons. The agriculture of this country is equal to any in Europe, except England. Its principal productions are flax, hops, corn of all sorts, bark for tanning, fire wood, and also butter and cheese in immense quantities, there being kept in the province not less than 75,000 cows. The great number of iron mines in that part of Hainault which lies between the Sambre and Meuse, employ a great number of furnaces and forges, which consume part of the fire wood.

There are here manufactured quantities of glass of different sorts, particularly plate-glass, linen cloths, lace, pottery, &c.

HALIFAX, the capital of Nova Scotia, in America, situated in W. long. 64 deg. 50 min. and N. lat. 44 deg. 45 min. The harbour is perfectly sheltered from all winds, at the distance of 12 miles from the sea, and is so capacious, that 1000 sail may ride there in safety. Many merchants reside at this place, and carry on a considerable trade with Europe, the West Indies, and the United States of America. See *Nova Scotia*.

HALIFAX, a town in the west riding of Yorkshire, lying in W. long. 2 deg. and N. lat. 53 deg. 45 min. It is one of the principal places in the kingdom for the manufacture of woollen cloths, particularly kerseys and shalloons.

HAIR POWDER. See *Excise, Exportation, Importation, Starch*.

HAMBURGH, a free imperial city of Lower Saxony, and one of the Hanseatic towns, is situated at the mouth of the Elbe, in E. long. 9 deg. 55 min. and N. lat. 53 deg. 34 min. It is without exception the most flourishing, populous, and commercial city in the empire of Germany. The Elbe forms here an excellent harbour, and by a canal are transported  
hence

lence merchandize through great part of Germany. The merchants are not only very numerous and of all nations, but among them are to be found some of the greatest capitalists in Europe; and none display greater enterprize in commercial speculations. The commerce of this city consists in the sale of the produce of the north of Germany manufactures, the importation of foreign commodities, and the re-exportation of merchandize to different parts of Europe. The principal manufactures consist of refined sugars, printed linens, velvets, lace, gold and silver thread, buttons, metal buttons, knit stockings, sail-cloth, brass, thread, hats, flannel, and starch. The sugar refinery is reckoned among the best in Europe. Their manufactures are sent to Germany, the ports of the Baltic, Italy, France, and Guinea. The cotton they employ comes from Cyprus, Smyrna, Barbary, and the East Indies; the cotton-thread from India, the Levant, and Turkey. Hamburgh has several mills for making and twisting silk thread, and a variety of woollen manufactures. It also imports from England, France, Holland, and Italy, rich silk stuffs, gold and silver brocades, velvets, &c. Dying is another of the arts carried on by the people of Hamburgh, and they are reckoned the best dyers in Germany. They have also many tanneries, and make an excellent sort of beer, called junkern beer, which is exported in great quantities. Among the articles of commerce of Hamburgh may be likewise mentioned salt provisions, masts, spars, and other timber, pitch, tar, salt, iron, steel. The whale fishery also employs a number of ships. During the late war Hamburgh was not only a general depot for goods of the different belligerent powers, but the exchange business, which is at all times the principal one of this place, was most prodigiously increased by this event, it being made the centre of exchange of all Europe. It may be interesting to merchants to know that one year's residence qualifies any foreigner to be a burgher.

At Hamburgh the notes of merchants discounted by the bank of the place are called over in the most public manner, by which means publicity is given to such transaction. See *Bank of Hamburgh*.

**HAMBURGH COMPANY.** This was the most an-

cient of our trading companies, and was formerly called Merchants Adventurers. This company, like that of Hudson's Bay, had never been able to procure any parliamentary sanction, and from repeated complaints made of their monopoly (the last of which was in the year 1661), by internal regulations made amongst their own body, facilitated the admission of strangers to a participation of their privileges.

**HAMPSHIRE**, a county of England, bounded on the west by Dorsetshire and Wiltshire, on the north by Berkshire, on the east by Surry and Sussex, and on the south by the English Channel. It is very abundant in sheep, which furnish wool for its many fabrics, of shalloons, kerseys, and other stuffs. Its products are iron, corn, and timber, and it is more particularly famous for the excellence of its honey and bacon.

**HAMPSHIRE, New**, one of the United States of America, bounded on the north by Lower Canada, on the east by the district of Maine and the Atlantic Ocean, on the south by the state of Massachusetts, and on the west by the Connecticut river. The capital is Portsmouth, which has the only harbour on the coast. This town has considerable commerce with the West Indies. Its manufactures consist of some stuffs, bricks, pottery, potashes, and they build a good many ships and other vessels.

**HANOVER**, an electorate in Germany, subject to the king of Great Britain. Its capital, Hanover, is situated in E. long. 10 deg. 5 min. and N. lat. 22 deg. 5 min. The principal manufactures of the electorate are linen and woollen cloths, damask, printed linen, cotton stockings, caps and gloves, lace, ribbons, tobacco, rum, beer, bacon, &c. The country produces a great deal of wood, and some minerals, namely a small quantity of silver, copper, lead, iron, vitriol, brimstone, quicksilver, and coppers.

**HANS TOWNS**, a number of maritime towns situated in the north of Germany, which entered into a league for the protection of their commerce, thereby forming a sort of commercial confederacy the members of which acted separately for private affairs, but united and acted together for the protection of their commerce. In the 12th century there were no less than 72 cities included in the list. Bremen and Amsterdam were the two first that entered into it, in order to defend themselves against pirates and robbers



sea. The cities and towns near the Baltic sea were the first who joined the league, but the advantages and protection derived were such, that in France, Spain, Italy, and all over Europe, trading towns joined the association, and London itself, in the days of Henry the Third, was amongst the number.

Lubeck, Bremen, Hamburg, Cologne, Bostock, and Brunswick, are the only towns now distinguished by the name, or that adhere to the league, which has almost degenerated into nothing, in spirit as well as in extent. Hamburg alone has more trade than all the others put together, and never in the most flourishing times of the league was it equal to what it has been of late years. See *Hamburg, Trade*.

**HARBOUR**, a port or haven for the security of shipping. Various statutes have been made for the improvement and protection of harbours, and inflicting penalties upon persons guilty of nuisances, by throwing ballast or otherwise obstructing them.

Of all the harbours hitherto known for the accommodation of shipping, those denominated wet docks are superior. In these, ships can neither be affected by the tides or the weather; the ships are constantly afloat, they can lade and unlade at all times without either obstacle, risk, or injury to their cargoes. It is but justice to the town of Liverpool to admit that these modern inventions of commercial convenience originated with it, and the example has been followed upon a magnificent scale by the merchants of the metropolis. See *Ballast, Docks, Liverpool, London Port &c.*

**HAVANNAH** is a large town in the island of Cuba, with a famous and well frequented port, and is at certain times the rendezvous of the Spanish fleets. The commerce of the Havannah consists of leather, tobacco, timber, sugar, dried sweetmeats, and the general productions of Cuba. See *Cuba*.

**HAVEN**. See *Ports and Harbour*.

**HAVRE DE GRACE**, a large town of France, formerly in the province of Normandy, now in the department of the Lower Seine, lying in E. long. 0 deg. 11 min. N. lat. 49 deg. 29 min. Here are manufactured tobacco, cordage, lace, paper, oil, starch, and brazery. It is a place of brisk trade, particularly

with the West India Islands, and with Senegal and Guinea. Havre being situated on the mouth of the Seine, is naturally an *entrepot* for the commodities of the interior part of France as well as foreign countries, and before the revolution not fewer than 600 vessels, French and foreign, were loaded and discharged annually at this port.

**HAWKERS and PEDLARS** are such dealers or itinerary petty chapmen, who travel to different fairs or towns with goods or wares, and are placed under the controul of commissioners, by whom they are licensed for that purpose, pursuant to stats. 8 and 9 W. III. c. 25, and 29 G. III. c. 26.

Traders in the linen and woollen manufactures sending their goods to markets and fairs, and selling them by wholesale; manufacturers selling their own manufactures, and makers and sellers of English bone lace going from house to house, &c. are excepted out of the acts, and not to be taken as hawkers. Stat. 3 and 4 Anne, c. 4, and 4 G. I. c. 6; and see stat. 29 G. III. c. 26, s. 20.

By stat. 29 G. III. c. 26, hawkers, pedlars, &c. shall pay a duty of 4l. per year for a licence for themselves, and 4l. more for every beast employed by them before obtaining their licence; each of them is to produce a certificate, signed by a clergyman and two respectable inhabitants near his place of residence, of his good behaviour. S. 3, 5, 6, 7.

To bring any person within the description of a hawker he must be a general dealer; selling one parcel of silk handkerchiefs, therefore, will not make a man a hawker or pedlar. *Burr*. 609.

The said stat. 29 G. III. c. 26, also provides that such hawkers shall not sell their things by auction; that the words *licensed hawker* shall be marked on all packs, boxes, waggons, sheep, and hand bills used by such hawkers, on penalty of 10l., and a like penalty is imposed on unlicensed hawkers so marking their packs, &c. S. 8, 9. Hawkers selling smuggled goods shall forfeit their licences, and be incapable of having another granted them. S. 10.

By stat. 29 G. III. c. 26, s. 11, a penalty of 10l. is inflicted upon hawkers refusing to produce their licences; or lending or borrowing licences, to forfeit 40l., and they may be detained till they produce their licences. St. 29

G. III. c. 26. s. 13, 14. Counterfeiting licences, 5el. Stat. 9 and 10 W. III. c. 27. s. 5. 10el. Stat. 25 G. III. c. 78. s. 5.

Hawkers not to sell in cities or market towns where they do not reside, except on fairs or market days, S. 16, 17. See 2 Term Rip. 273.

Hawkers and pedlars offering any tea, or spirituous liquors, to sale, though they may have permits, the same may be seized as forfeited, by stat. 9 G. II. c. 35. See *Excise*.

HELENA, or ST. HELENA, is an island in the Atlantic Ocean, belonging to the English East India Company, and situated in W. long. 6 deg. 30 min. and S. lat. 16 deg. The number of people upon this island does not exceed 2000 persons, including 500 soldiers, and 600 slaves. They are provided with all sorts of manufactures, and other necessities, by the India ships, whom they supply with refreshments; and the Company generally orders one or two of their ships to touch here upon their passage to India, in order to supply a sufficient quantity of European goods and provisions.

HEMP and FLAX. By stat. 33 H. VIII. c. 17, no hemp or flax is to be watered in any river, running water, stream, brook, or pond, where beasts are used to be watered, but only in their several ponds for that purpose; on pain of 20s.

By stat. 15 Car. II. c. 15, any persons may in any place, corporate town, privileged or unprivileged, set up manufactures of hemp or flax; and persons coming from abroad, using the trade of hemp or flax dressing, and of making thread, weaving cloth made of hemp or flax, or making tapestry hangings, twine, or nets for fishery, cordage, &c. after three years, shall have the privileges of natural-born subjects. See *Exportation, Importation*.

HEREFORDSHIRE, a county of England; bounded on the east by Gloucester and Worcester, on the west by Radnor and Brecknock, on the south by Monmouth, and on the north by Shropshire. Its capital, Hereford, is situated in W. long. 2 deg. 35 min. and N. lat. 52 deg. 6 min. The soil of this county is excellent, and productive; but what renders it particularly famous is the cyder, which is the best in England, and is consumed in great quantities both at home and abroad. Leominster in this county is

noted for its wools, as Kyneton is for its narrow cloths.

HERKINGS. By stat. 31 Ed. III. c. 2, it is unlawful to buy or sell herrings at sea, before the fishermen come into the haven, and the cable of the ship be drawn to the land. By stat. 22 Ed. IV. c. 2, no herrings shall be sold in any vessel but where the barrel contains 32 gallons, and half barrel and firkin accordingly; and they must be well packed, of one time's packing and salting, and be as good in the middle as at the ends; on pain of forfeiting 3s. 4d. a barrel.

By stat. 15 Car. II. c. 16, vessels for herrings are to be marked with the quantity and place where packed; and packers are to be appointed and sworn in all fishing ports, under the penalty of 100l. See *Fisheries*.

HIDES. See *Exports, Imports, Leather*.

HINDOOSTAN, or INDIA, a celebrated region of Asia, which, in its most extensive signification, comprises all the countries between the mountains of Tartary and Thibet on the north, the river Burrampooter and the bay of Bengal on the east, the Indian Ocean on the south, and the same Ocean and Persia on the west. The produce of Hindoostan is very rich in every kind, whether it be fossil, vegetable, or animal. Besides other precious stones found in it, there is a diamond mine at the town of Soumelpur, in Bengal. Quarries of Theban stone are so plentiful in the Mogul's empire, that there are both mosques and pagods built entirely of it. Some travellers tell us, that there are mines of lead, iron, and copper, and even silver; but those of the last, if there be any, need not be opened, since the bullion of all nations is sunk in this empire, which will take nothing else in exchange for her commodities, and prohibits the exporting it again.

But the most valuable trees are the cotton and mulberry, on account of the wealth they bring the natives from the manufactures of calicoes and silks. They plant abundance of sugar canes here, as well as tobacco; but the latter is not so rich and strong as that of America, for want of knowing how to cure and order it. Hindoostan also affords plenty of ginger.

HIRING is obtaining the use of any chattel or moveable property, for the use of which a stipulated sum

is to be paid; and it is distinguished from borrowing, inasmuch as no consideration is paid for the use of the thing borrowed.

In hiring, as in borrowing, the specific article is to be returned in as good plight as when it was received, reasonable wear and tear in the latter case only excepted.

If a man hires a horse, he is bound to comply with the terms of his contract, or in the alternative he will be responsible for any consequences that may happen. See *Borrowing*.

**HISPANIOLA.** See *St. Domingo*.

**HOLLAND**, the largest and principal of the Seven United Provinces. It is very fertile, and one of the most populous spots in the world. See *United Provinces*.

**HOLLAND, New**, an island in the South Sea, and the largest in the world, reaching from 10 to 44 degrees of south longitude, and 110 to 154 east longitude.

This country was first discovered by the Dutch, and was considered as a part of a southern continent, till explored by that able navigator Captain Cook, by whom it was taken possession of for the king of England, under the name of New South Wales. See *South Wales, New*.

**HOLIDAYS, or DAYS OF REST**, are certain days on which religious festivals were formerly held, and upon which labour or business are prohibited. Thus Sunday, Good Friday, and Christmas Day, are days expressly constituted holidays by statute: there are also certain days which are kept by the public offices as holidays. A bill of exchange, if falling due on Sunday, is payable on Saturday; and if in a case like the last year, where Christmas Day fell upon a Saturday, and the bill become thus payable, it has never been legally determined whether such bill is demandable upon the Friday, which, contrary to the custom of merchants, is allowing only *one* day of grace; or on the Monday following, which is allowing five, although the former mode is the usual practice.

By stat. 40 G. III. c. 42, where bills of exchange and promissory notes become payable on Good Friday, the same shall be payable on the day before, and the holders thereof may protest the same for non-payment on such preceding day.

**HONDURAS BAY**, a district of the Spanish province of Yucatan, where the English have, by treaty, the privilege of cutting mahogany, logwood, and other dying woods; this trade employs about 100 ships, and other vessels. Upwards of four millions of feet of mahogany are annually exported from this settlement to Great Britain; and considerable quantities of logwood and fustic, with some sarsaparilla and tortoise shell, which the settlers purchase from the Spaniards.

**HOPS.** See *Exportation, Importation*.

**HOVERING.** By stat. 5 G. I. c. 11. s. 8, and 3 G. III. c. 21. s. 9, ships of 50 tons, laden with customable or prohibited goods, hovering on the coasts of this kingdom, within the limits of any port (and not proceeding for foreign parts) may be entered by officers of the customs, who are to take an account of the lading, and to demand and take a security from the master, by his bond to his majesty, in such sum of money as shall be treble the value of such foreign goods then on board, that such ship shall proceed (as soon as wind and weather, and the condition of the ship, will permit) on her voyage to foreign parts, and shall land the goods in some foreign port; the master refusing to enter into such bond on demand, or who having given bond, shall not proceed on such voyage (unless otherwise suffered to make a longer stay by the collector, or other principal officer of such port where the vessel shall be, not exceeding 20 days); in either of the said cases, all the foreign goods on board may be taken out by any custom-house officers, by direction of the collector, and properly secured; and if they are customable, the duties shall be paid; and if prohibited, they shall be forfeited. The officers of the customs may prosecute the same, as also the ship, if liable to condemnation.

By stat. 6 Geo. I. c. 21. s. 31, commanders of men of war, and custom-house officers, may compel ships of 50 tons, or under, hovering within two leagues of the shore, to come into port.

By stat. 6 Geo. I. c. 21. s. 33, to prevent disputes that may arise concerning the admeasurement of ships laden with brandy or other spirits, or ships hovering on the coast, the following rule shall be observed: Take the length of the keel, and the breadth within board by the midship beam, from plank to plank, and

half the breadth for the depth; then multiply the length by the breadth, and the product by the depth, and divide the whole by 94, the quotient will give the tonnage; according to which rule all such ships or vessels shall be measured.

Officers of the customs in Ireland may enter ships of 50 tons or under, hovering on the coast of Ireland, and take security from the master to proceed regularly on his voyage, and land customable or prohibited goods at a foreign port. Master refusing to give bond, or not departing in 20 days, the goods may be secured.

By stat. 3 Geo. III. c. 22. s. 9, the regulations of hovering ships are extended to the coasts of all the British dominions.

By stat. 5 Geo. III. c. 43. s. 38, ships under 50 tons from abroad, hovering on the coast, and having 20 pounds of coffee, or goods liable to forfeiture, shall be seized and confiscated.

By stat. 24 G. III. c. 47, and 42 G. III. c. 82, if any ship or vessel shall be found at anchor, or hovering within eight leagues of the coast (except between the North Finland and Beachey Head) unless by distress of weather, having on board foreign spirits, in any vessel or cask which shall not contain 60 gallons at least, or any wine in casks (provided such vessel, having wine on board, shall not exceed 60 tons burthen), or six pounds weight of tea, or 20 pounds weight of coffee, or any goods whatever liable to forfeiture upon importation, then such goods, with the ship and furniture, shall be forfeited; spirits for the use of seamen, not exceeding two gallons per man, excepted.

But by 24 G. III. c. 4. s. 2, on proof given that such small quantities were on board without the privy of the owner or master, such vessel shall not be forfeited, if more than 100 tons burthen.

Such goods to be forfeited, and treble their value recovered of the person in whose possession they were found. S. 3.

By stat. 24 G. III. c. 40. s. 4, all vessels of the following description, belonging, in the whole or part, to British subjects, found within the limits mentioned in the first section, together with the goods laden on board, furniture, &c. shall be forfeited; viz. cutters, luggers, shallops, or wherries (of

what built soever), and all vessels, of any other description, whose bottoms are clench work (unless square rigged, or fitted as sloops with standing bowsprits), and all vessels the length of which is greater than in the proportion of three feet and a half to one foot in breadth, and likewise all vessels armed for resistance.

Two carriage guns, of the caliber not exceeding four pounds, and two musquets to every ten men, are allowed to all vessels. S. 5.

No vessel arriving from Russia before the 1st of December 1784, shall be forfeited on account of her built, or having on board arms or ammunition. S. 6.

No vessel from any port of America, or from the East and West Indies, Africa, or the Mediterranean, shall be forfeited for her built, for having spirits, tea, or coffee, on board, or for being armed. Vessels in his majesty's navy, victualling, ordnance, customs, excise, or post office, shall not be forfeited for their built, or for being armed. Such vessels as are licensed shall not be forfeited for their built, or for being armed agreeable to such licence. Lighters and barges, used solely in rivers, shall not be forfeited. Ships or vessels, with arms and ammunition regularly entered, and cleared, at any custom-house in his majesty's dominions, as merchandize, or for the use of British garrisons, or for the necessary defence of such ship, by licence, shall not be forfeited on account of such arms and ammunition. S. 7.

No fee is to be taken for any licence granted or registered in pursuance of this act. S. 8.

Owners of vessels licensed are to produce their licences to the proper officer, at the port of exportation, before sailing; and likewise to produce the same to the proper officer at the port of arrival. S. 9.

Every licensee to vessels is to specify the tonnage of each vessel, and describe whether she is a cutter, lugger, shallop, or wherry; of what built she is; who are the owners thereof; for what place she is about to sail; the quantity and number, and the sort of arms and ammunition she is licensed to have on board. The owners are likewise to give security in double the value of such vessel, to the satisfaction of the collector, comptroller, or proper officer of the customs, that she shall not be employed in the importation



portation or landing of tea, or any foreign spirits, or any prohibited goods. S. 12.

By s. 12 of this act, any person maliciously shooting at any ship, vessel, or boat, belonging to his majesty's navy, or in the service of the customs or excise, within the limits of any port of Great Britain, or within four leagues from any part of the coast thereof, or shall shoot at, or dangerously wound any officer in the navy, customs, or excise, or any of their assistants, acting in the execution of their duty, or within the limits of any port, or within eight leagues of any part of the coast of Great Britain, he shall suffer death as a felon. And any person charged with any offence made felony by this act, and who does not surrender himself after proclamation made for that purpose, shall be deemed a felon.

Any person harbouring offenders after the time appointed for their surrender, and being prosecuted within a year after, shall, on conviction, be guilty of felony, and be transported for seven years. S. 13.

Nothing contained in this act shall be construed to prevent the apprehension of such offenders by the ordinary course of law. S. 14.

Any person opposing, obstructing, or assaulting officers of his majesty's navy, or in the service of the customs or excise, in the execution of their duty, may be carried before a justice, who may commit such person or persons for trial, and, upon conviction, he or they shall be sentenced to hard labour on the river Thames, or to the house of correction, for a term not exceeding three years. S. 15.

By the sixteenth section, the justice may either commit such offenders upon this present act, or upon that of the 19th G. III. c. 69, if their offences fall within the latter. S. 16.

All offences against this act may be tried in any county in England or Wales, in such manner as if the fact had been actually committed within such county. S. 17.

Offences committed in Scotland, or within the limits of any port therein, or within eight leagues of the coasts thereof, are to be tried in Scotland. S. 18.

If suspected vessels shall not bring to when chased by any cutter or other vessel in the service of his majesty's navy, having the proper pendant and en-

sign of his majesty's ships hoisted, or being in the service of the customs or excise, and having their pendant or ensign hoisted, with such marks thereon as are usual, in a blue field, the commander may shoot into them; and if he be prosecuted in consequence thereof, he and his aiders shall be admitted to bail. S. 23.

Vessels not in the service of the navy, customs, or excise, hoisting such pendant, shall forfeit a penalty of 500*l.* S. 24.

The penalties and restrictions relative to certain description of boats contained in the act of 8 G. I. c. 18, and in 19 G. III. c. 69, viz. to all boats, wherries, pinnaces, barges, galleys, and other vessels, which exceed 28 feet in length from the fore part of the stem to the after-side of the stern-post aloft, and the length of which shall be greater than in the proportion of three feet and a half to one foot in breadth; subject nevertheless to the provisos and exceptions in the said acts. S. 25.

Vessels in ballast arriving at, or going out from any port in this kingdom, the masters shall, if called upon, make a true report of their ship or vessel, and answer questions that the proper officers may put relative to the voyage, on penalty of 100*l.* No additional fees for such report to be paid by the master. S. 26.

Wine imported in any vessel or boat not exceeding 60 tons burthen, shall, together with the vessel and its furniture, &c. be forfeited. S. 27.

Masters of ships or vessels reporting any goods, contents unknown, for exportation in the same ship or vessel, such packages, &c. may be examined by the officers; and if any prohibited goods be found therein, they shall be forfeited; but if not prohibited, then they are to be charged with the customary duties: and all goods found on board not reported shall be forfeited. S. 28.

Officers of the customs to have the like power of seizing tea and spirits removing without permits in like manner as the officers of excise. S. 29.

Any officer of his majesty's navy, customs, or excise, making any collusive seizure, or agreeing not to seize any ship or goods, or taking any bribe, shall forfeit 500*l.* and be rendered incapable of serving his majesty; and every person giving or offering such bribe shall forfeit 500*l.* S. 32.

By stat. 24 G. III. c. 47, condemned vessels that are fit for his majesty's service, may, instead of being broken up, be sold to the officers appointed by the lords of the admiralty, or commissioners of the navy, for that purpose; one half of the produce of such sale to be paid into the exchequer for his majesty, and the other half to the officer who prosecuted for the same.

By 27 G. III. c. 32, in case any cutter, lugger, shallop, wherry, sloop, smack, or yawl, shall be found within the limits, or within eight leagues of the coast, and carrying a bowsprit (whether standing or running) which shall exceed in length more than two-thirds the length of such cutter, &c. from the fore part of her stem to the aft-side of the stern-post aloft, every such vessel, with her furniture, &c. shall be seized.

The owner or master of every vessel shall cause to be painted on the outside of the stern of every boat belonging to such vessel, her name and the place to which she belongs, and within side of the transom the master's name, in white or yellow Roman letters, on a black ground, not less than two inches in length, under pain of forfeiture of such boat. S. 2.

Boats not belonging to any ship are to have painted on the stern, in white or yellow Roman letters, of two inches in length, the owner's name, and the port or place to which she belongs, under pain of forfeiting every such boat found within the limits of the ports of Great Britain. S. 3.

This act, or any thing therein contained, not to extend to the forfeiture of any cutter, lugger, shallop, wherry, sloop, smack, or yawl, nor any vessel or boat whatever, in the service of the navy, victualling, ordnance, customs, excise, or post office; nor any having a licence from the admiralty; nor any lighters or barges used in rivers or inland navigation. S. 4.

Any cutter, vessel, boat, &c. having a licence from the admiralty limiting the navigation to or from, or within any particular port or place, and being found in any other port out of the limits, shall be seized and forfeited; unless it shall appear that such cutter, &c. was driven or forced without the limits of the licence, she shall be forfeited. S. 5, 6.

The master of every such vessel shall produce his licence, if required, to every officer of the customs

or excise, with the indorsement thereon; on his failure thereof, or not having the same on board, she may be seized. S. 7.

All cutters, vessels, boats, &c. seized in pursuance of this act, shall be disposed of in such manner, and under such regulations and restrictions, as directed by 24 G. III. c. 4. S. 8. See *Smuggling*.

HUDSON'S BAY, a large bay in North America, situated between 51 and 69 degrees of north latitude, discovered by Henry Hudson, who there hoped to find a passage to Asia. This passage has been repeatedly attempted, but without effect. The country around is denominated New Britain, where are procured some of the finest skins and furs in the world. See *Hudson's Bay Company*.

HUDSON'S BAY COMPANY. This company was incorporated in the year 1670, by Charles II. under the denomination of the Governor and Company of Adventurers of England trading to Hudson's Bay. By this grant the company were to have the sole trade and commerce of and to all the seas, bays, straits, creeks, lakes, rivers, and sounds, in whatsoever latitude, within the entrance of Hudson's Straits, together with all the lands, countries, and territories upon the coasts of such seas, bays, and straits which were then possessed by any English subject, or the subjects of any other Christian state, together with the fishing of all sorts of fish, whales, sturgeon, and all other royal fish, together with the royalty of the sea.

After various disputes between the French and English, the former of whom were actuated by jealousy, occasioned by the contiguity of this territory to Canada, the country was finally vested in the present company by the treaty of Utrecht; and several English forts and factories are now there established.

This country furnishes valuable furs of various sorts, and isinglass, the latter of which is manufactured by the company's servants from the skins of fishes.

The commodities with which they truck with the Indians for furs, are, arms, powder, balls, kettles, hatchets, knives, sword-blades, awls, fish-hooks, steels, and flints, blue-serge cloaks, shirts, stockings, tobacco, coarse thread for nets, and of divers colours for sewing, glass beads, pins, needles, &c.

**HULL.** See *Kingston upon Hull*.

**HUNGARY**, a kingdom of Europe, bounded on the north by Poland, on the west by the circle of Austria.

It abounds in all the necessities of life, and the wine, especially that called tokay, is excellent; and has mines of gold, silver, copper, and iron.

## I.

## J A M

## J A M

**JAGO**, Str. the largest and most fertile of the Cape de Verd islands, producing cotton, maize, and sugar, besides a variety of fruits, particularly plantains, bananas, lemons, oranges, melons, grapes, cocoa nuts, guavas, &c. There arrive here every year two or three Portuguese ships, which put in on their way to Brazil, and sell some European merchandize for striped cotton, the principal article of manufacture at this place. Portugal also gets hence annually about 100 tons of sugar. On the east part of the island there is a good harbour, where, besides the Portuguese ships, English, French, and Dutch vessels frequently put in here for water and refreshments. When vessels arrive, the country people bring their commodities for sale to the sailors and passengers, namely, hogs, goats, young cattle, peacocks, guinea fowls and common fowls, eggs, plantains, cocoa nuts, &c. which they barter for shirts, drawers, handkerchiefs, hats, waistcoats, breeches, linen, thread, and particularly old cloaths.

**JAGO**, Str. the capital of Chili, in west long. 75. 5. and south lat. 34. 10, situated in a beautiful plain at the foot of the Andes, on the river Mapocho, and has a good harbour. The commerce between Chili, Paraguanay, and Buenos Ayres, is entirely carried on at St. Jago. The exports consist of wax, tallow (of which soap is made at Mendoza), sugar, hides, snuff, wine, brandy, pimento, and some manufactures of the country. When the assiento of negroes is not interrupted, they are sent to Chili from the factory at Buenos Ayres. Here are large mines of copper, but they are not worked.

**JAMAICA**, the largest and most valuable of the English West-India islands, situated in the entrance of the gulf of Mexico, thirty leagues west of St. Domingo,

and about the same distance south of Cuba. It is of an oval form, about 140 miles in length from east to west, and at the broadest part about 60 in width. A chain of mountains, called the Blue Mountains, some of which are very high, runs all through the length of the island, and communicates with smaller hills on each side. In the plains or vallies between the hills, the ground is extremely fertile, and produces abundance of tropical plants. Of these sugar is the principal and most valuable. Not less than 30,000 hogshheads are annually exported to England, and a proportional quantity of rum, which is reckoned the best made in the West Indies. About 300,000 acres are cultivated in sugar canes. On the hilly grounds there are raised coffee, cocoa, pimento, ginger, and cotton, all of which thrive very much, and are exported in large quantities. Here are also produced mahogany, lignumvitæ, dye-woods, and medicinal drugs, and likewise Indian corn, Guinea corn, and all the variety of tropical fruits, but no European grain, and hardly any sort of European plant or fruit. Great numbers of cattle are raised in Jamaica, and the beef is good and very moderate in price; mutton is neither so good nor so plentiful, but there are abundance of hops, fowls, turtle, and a great variety of excellent fish. Some attempts have been made to introduce the culture of tea and cinnamon, but they have not been successful. Formerly indigo was a principal article of product, but very little is now raised. Throughout the island there are a number of rivers navigable for canoes, which are of great service in the transport of commodities.

The trade of Jamaica is of immense importance to Great Britain, employing at least 600 vessels, many of them very large. To enumerate the articles of exportation

exportation thither, would be in fact a general detail of the produce and manufactures of this kingdom, as well as an immense variety of foreign productions.

Jamaica has also great commerce, though mostly contraband, with the Spanish colonies on Terra Firma and Cuba, to the inhabitants of which they sell linen and woollen cloths, hardware, porcelain, glass, &c. which are mostly paid for in dollars; they also get some horses from the Spanish Main.

The trade with the United States is likewise of much importance. Thither are exported sugar, rum, and other articles of produce, and the imports thence are flour, salt beef, and pork, India corn, and a number of other commodities.

The population of Jamaica is estimated at 32,000 whites, 10,000 free negroes and mulattoes, and above 250,000 slaves.

The principal place of trade was Port-Royal, built on a neck of land, or rather sand, near the middle of the south side of the island; but frequent hurricanes and inundations of the sea, besides a want of fresh water, induced the trade to be removed to Kingston, situated at the head of a bay seven miles from Port-Royal. Kingston is a large, handsome, and well built town, a mile long, and three quarters of a mile broad, regularly laid out in the form of a parallelogram, and with a good harbour. In the year 1802, this town was by letters-patent made a corporate city, to be governed by a mayor and twelve aldermen. Port-Royal is now become a miserable village, supported entirely by the crews of the ships of war which lie off the harbour, except during the hurricane season, when they are for security removed to the roadstead off Kingston. The other principal towns in Jamaica are Savannah-le-Mer, Old Harbour, Port Antonio, Anotta Bay, and Morant Bay. See *Slave-trade*.

**JAMES ISLAND**, an island in the river Gambia in Africa, where the English have a factory, and carry on a considerable trade in slaves, &c. It is situated in 16 deg. W. long. and 13 deg. 15 min. N. lat. See *Guinea, Gambia, Africa, African Company, Slave-trade*.

**JANIRO**, a province of Brazil in South America, situated between the tropic of Capricorn and 22 deg. of S. lat. It is bounded on the north by the province of Espirito Sancto, on the east and south by

the Atlantic Ocean, and on the west by the mountains which separate it from Guiana in Spanish America. This is the most valuable province which the Portuguese are masters of, for they import from thence yearly great quantities of gold and precious stones, which they find in the mountains, to a prodigious value.

**JAPAN**, a large empire in the easternmost part of Asia, consisting of the islands of Japan or Nippon, Ximo, Tonsa, and several smaller ones. They are situated about 150 miles east of China, and extend from the 30th to the 41st degree of south latitude, and from the 130th to the 147th of east longitude. Meaco was formerly the capital of all Japan; at present Jeddo, in the island of Japan, has that honour. This empire is under the dominion of an absolute monarch. It is very populous, and highly cultivated. The Portuguese were the first European people who discovered these islands, and for a long period carried on a very profitable trade with them; but from a jealousy in the Japanese government, they were expelled thence in 1636. Since that time the almost exclusive European commerce has rested with the Dutch; but still, such is the jealousy of the emperor, that whenever their ships arrive, their guns, sails, and helms are taken on shore till they are ready to return. In the absence of the ships, the factors are shut up in the small isle of Dezuva. The merchandize which the Dutch carry to Japan are spices, sugar, linen, and woollen cloth, tin, lead, iron in bars, glass, elephants teeth, and haberdashery, for which they receive gold, silver, copper, porcelain, rice, and the lackered ware so well known under the name of japan. There is also a considerable trade carried on between Japan and China.

**JAROSLAW**, a town of Russia, on the south bank of the Volga, in E. long. 22. 43. and N. lat. 50. 4. This is a large and commercial place, trading with all the towns of the empire. The exports, which are sent partly to Archangel and partly to Petersburg, consist of cattle, fish, corn, skins, hides, tallow, honey, wax, linen cloth, hogs bristles, &c. It is remarkable for the great fair held annually on the 15th of August, which is frequented by merchants not only of Russia, but from Persia, Constantinople, Venice, Amsterdam, Germany, Hungary, and different



ent other places. The most important article for sale on this occasion is cattle and horses; of the former 40,000 have been sold, and of the latter 20,000, at one fair.

**JAVA**, an island in the East Indies, lying to the south of Borneo, and separated at its west end from Sumatra by the strait of Secuda. It is 420 miles in length, and of various breadths, extending from 105 to 118 deg. E. long. and from 6 to 8 deg. S. lat. The land is low, marshy, and unwholesome near the shore, but rises in a gradual slope towards the interior. Batavia, the capital of this island, is the centre of the Dutch commerce in the East. The country is fertile, producing a variety of drugs, spices and gums, besides rice, fruits, and great numbers of animals wild and tame, as cattle, horses, sheep, and goats. There is also at Java a tree producing the aracca nut, of which they carry on a great trade with parts of India where this fruit does not grow. The teck tree, of which the Indian ships are constructed, grows here in great abundance. There is also a sort of wild cinnamon.

The principal commerce of the Javanese consists in rice (which they sometimes export, and at other times are obliged to import), pepper, salt, rack, sugar, and some other articles. They traffic also in the cloths and stuffs of Coromandel, Bengal, and Surat. There are at Java a number of considerable merchants, who trade with Sumatra, Siam, the Moluccas, Borneo, the Celebes, Bantam, Amboyna, Banda, Solor, Binca, &c. They trade also to Batavia, which being a place of resort of merchants of all nations, occasions there a great vent for every sort of commodity. The Dutch annually send two ships hence to Japan, the cargoes of which are confined to certain articles, valued at a sum fixed by the emperor of Japan. Those generally sail from Batavia about the end of July, with cargoes of tables made of Siampian wood, taffeta, raw silk, and other merchandize, which they dispose of for gold, copper, japan ware, porcelain, &c. The trade between China and Batavia is also considerable; and Batavia furnishes Amboyna with the most of its provisions and merchandize. There are annually sent from Batavia to Bengal upwards of fifteen vessels fully loaded, which return with cargoes from Bengal.

**ICELAND**, an island subject to Denmark, in the North

Sea, 700 miles in length, and 300 in breadth, lying between 10 and 26 degrees of west long. and 63 and 68 degrees of north lat. The inhabitants, who are about 60,000, employ themselves principally in fishing. The men also prepare leather, and work at some mechanic trades. They manufacture a coarse kind of cloth, which they call wadmál; likewise stockings and gloves. The commerce of this island is monopolized by the Danish company. Though there is no considerable town in the whole island, there are several good ports. Their exports consist of dried fish, salted beef and mutton, tallow, train oil, coarse woollen cloths, stockings, gloves, wool, sheep-skins, lamb-skins, fox-skins, cyder, down and feathers. Their principal imports consist in timber, fishing-lines and hooks, tobacco, mead, brandy, wine, salt, and linen.

**JEDDA**, the capital of Japan, situated in Nippon, the principal of the Japanese islands, in east long. 139 deg. 30 min. and north lat. 36 deg. 10 min. This is a very large city, nine miles in length, and six in breadth, said to contain a million of inhabitants. The trade is principally with the Dutch and Chinese. See *Japan*.

**JERSEY**, an island in the English Channel, 18 miles from the coast of Normandy in France, and 84 south of Portland in Dorsetshire, its chief town, St. Helier, lying in west long. 2 deg. 10 min. and north lat. 49 deg. 11 min. It is subject to England, but governed by the antient Norman laws, as well as the adjoining islands of Guernsey, Alderney, and Sark. Jersey is only 30 miles in circumference, and contains about 20,000 inhabitants. It has a noted manufacture for woollen stockings and caps, and makes large quantities of cyder. From its situation Jersey is naturally a place of commerce, and in fact the inhabitants carry on great trade, not only with England, but also France, Spain, Portugal, and America. They have also a considerable share in the Newfoundland fishery, carrying their cargoes to the Mediterranean for sale.

**JERSEY**, New, one of the United States of America, is bounded on the south-west by the Delaware river and bay, on the south-east and east by the Atlantic Ocean, and on the north by the sound which separates State Island from the continent and Hudson's river, and

lies between 74 and 76 degrees of west long. and 39 and 43 degrees of north latitude. The capital is Burlington, seated on the Delaware, 20 miles from Philadelphia. Almost the whole of the commerce of New Jersey is with New York and Philadelphia, notwithstanding the advantages of two excellent harbours, Amboy and Burlington. But it continues in the former channel from long habits, established correspondencies, facility of credits, and quick and sure sale of commodities. The articles of exportation are horses, cattle, corn, flour, excellent hams, hides, wood, iron, and flax-seed. The principal importation consists in West India produce. Of late years different species of manufactures have risen considerably in New Jersey. The numerous falls of water give great facility to labour by means of mills, of which there are in this State computed to be not less than 100 of different sorts, namely, for the manufacture of paper, gunpowder, oil for iron works, and sawing, and above all for grinding corn. The tanneries of Newark, Trenton, and Elizabeth-town, are of considerable consequence. But the principal manufacture is iron, of which there are here immense mines, and which is wrought into bars, pigs, wire, as well as pots, and other utensils, to a great extent.

**JETS IM, JEIZON, and JOTSON**, any thing thrown out of a ship, being in the danger of wreck, and by the waves driven to the shore. See *Flotsam, Wreck*.

**JEWS**. By stat. 10 G. I. c. 4, whenever any Jew shall present himself to take the oath of abjuration, in pursuance of this act, the words (upon the true faith of a christian) shall be omitted out of the said oath in administering it to such persons; and the taking the said oath by persons professing the Jewish religion, without the said words, in like manner as the Jews are admitted to give evidence in courts of justice, shall be deemed a sufficient taking the abjuration oath.

By 13 G. III. c. 7. s. 3, the same alterations of the oath of abjuration in favour of Jews to be naturalized in America, as in the above recited act of 10 G. I.

**IMBARGO**. See *Embargo*.

**IMBEZZLEMENT**. See *Embezzlement*.

**IMPORTATION**. The laws relative to the commercial intercourse between Great Britain and the different quarters of the globe, may be divided with respect

to the ships, the places, and the particular articles imported.

This intercourse may be again considered with respect to Great Britain and her colonies. The laws constituting the British navigation system will be detailed under the article *Navigation*.

The particular laws and regulations relative to importation, are detailed in the following alphabetic list, as far as relates to the specific articles, and the places from whence they may be imported.

*Alphabetic enumeration of articles of Importation, and places from whence they may be imported.*

**AFRICA**. See *Asia*.

**ALDERNEY**. By 3 G. I. c. 4, goods the growth, product, or manufacture of Alderney, Guernsey, Jersey, and Sark, may be imported into Great Britain by the inhabitants of those islands, free of duty, under certificate of the governor.

**AMERICAN STATES**. By stat. 37 G. III. c. 97, for carrying into effect the treaty of commerce with the American States, under certain regulations of import and export, the following regulations have been enacted:

1. Goods, wares, and merchandize, the growth, product or manufacture of the American States (not prohibited to be imported from foreign countries), may be imported in British built ships, or in prize ships captured by American subjects, and regularly condemned, owned by subjects of the United States, and whereof the master and three-fourths of the mariners are Americans, upon payment of certain duties.

2. All such goods (except those hereafter particularly enumerated) may be landed upon payment of such (the lowest) duties as are payable for the same when imported in British ships; and also upon payment of the countervailing duty, when imported in American ships.

3. Pig-iron, bar-iron, pitch, tar, turpentine, rosin, pot-ash, pearl-ash, mahogany, masts, yards, bowsprits, and all staves and unmanufactured goods and merchandize (not prohibited from foreign countries), may be imported upon paying such customs and excise as are payable for the same when imported in British ships, with certificate from British plantations in America, and also upon payment of the countervailing duty when imported in American ships.

4. Upon

4. Upon importation of wheat, wheat-meal, or flour, rye, barley, beer or bigg, oats, oatmeal, peas, beans, Indian corn, and maize, the duties payable are to be regulated according to the prices of the port of importation.

5. Oil from fish, blubber, whale fins, spermaceti, may be imported on paying the same duties as on importation in British ships from foreign countries, and also upon payment of the countervailing duties when imported in American ships.

6. Tobacco may be imported on payment of the same duties of customs and excise as on importation by British subjects from British plantations in America; and snuff upon payment of the same duties as upon the manufacture of Europe, when imported from Europe; tobacco and snuff paying *also* the countervailing duties when imported in American ships.

7. Rice imported, may be warehoused at eight-pence per cwt. and bond given for the remainder of the duties in 18 months.

8. Upon exportation of American goods from Great Britain, the same drawbacks are allowed as upon similar goods when exported to foreign countries; and on exportation of goods to America, the same drawbacks and bounties as on exportation to British colonies.

9. The drawback on foreign hemp, and foreign iron exported to British colonies, and to the United States of America, is to be the same as on exportation to other foreign parts.

10. The countervailing duties payable on the importation of American goods in American ships, in addition to the duties payable on importation in British ships, are as follow:

On pig-iron, bar-iron, pot-ash, and pearl-ash, 10 per cent. on the custom duties when imported without certificate from the British colonies in America; and 10 per cent. also on pitch, tar, rosin, turpentine, masts, yards, bowsprits, and manufactured goods and merchandize (except wood, staves, and tobacco); 10 per cent. also upon the custom duties of all unmanufactured wood and staves, when imported from Europe in British ships: on oil of fish, blubber, whale fins, and spermaceti, 10 per cent. on the custom duties payable when imported from countries not under the dominion of Great Britain. On tobacco 1s. 6d. per 100lb.

weight; and on all other American goods 10 per cent. on the custom duties payable for the same when imported in British built vessels from the American States.

The countervailing duties are to be calculated upon the several duties of customs as they stood *previously* to the 37 G. III. c. 15, and consequently cannot be altered by new duties.

By 42 G. III. c. 27, his majesty may, until March 25, 1803, by any order in council, or proclamation made for that purpose, cause the countervailing duties granted by the act before cited (37 G. III. c. 97.) on goods imported from the American States, and also the tonnage duties, or any part or proportion of the same, to cease or be suspended from such times and during such periods as his majesty may deem expedient and necessary.

ANDIRONS. By 3 E. IV. c. 4, andirons, tennis balls, and other articles (provided they do not come within the denomination of French or Dutch hardware, cutlery, glassware, works of iron, steel, copper, or brass, sadlery, porcelains, earthenware, pottery, cabinet ware, turnery, or woollen manufactures), are not importable for sale except made in Ireland, taken on the seas, or wrecked, on penalty of forfeiture.

ARMS AND AMMUNITION. Arms, ammunition, gunpowder, and utensils of war, may not be imported by way of merchandize, without licence from his majesty, under forfeiture of treble their value. 1 James II.

ASHES, POT. By 25 G. II. c. 51, pearl and potashes made, and imported into Great Britain from British colonies in America, are free of duty, if legally imported, regularly entered, and accompanied by certificate from the collector or naval officer at the shipping port.

Potashes are not importable from Germany or the Netherlands, upon forfeiture of them and the vessel, 13 and 14 Car. II. c. 11; and they must be imported only from other places in British built ships, or in British ships owned by British subjects, or in ships of the built of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping for transportation, all legally navigated, otherwise they and the vessel are forfeited.

**AZORES.** See *Spain and Portugal.*

**BANDSTRINGS, FOREIGN,** are prohibited to be imported under penalty of forfeiture and 100*l.* 13 and 14 Car. II. c. 13

**BARK, Oak.** By 12 G. III. c. 50, oak bark may be imported when the price is 1*0*l.** or upwards per load of hatch bark of 45 cwt. or when oak in the rinds is 2*l.* 10*s.* or upwards per load of rinds containing 33 yards when set three rinds thick, with two skirts and a cover, the prices to be on delivery at the buyer's warehouses in London, or within the bills of mortality. If imported when bark is under the above prices, the bark is forfeited, and a penalty of 20*l.* is incurred by the importer.

By 32 G. III. c. 49. s. 1. *Quercitron* or *black oak bark* for dying, may be imported by any person from any country not in Europe, in British built ships, owned and navigated according to law, but only in casks of not less than 150*lbs.* net weight.

*Red Mangrove bark* is importable only in casks of not less than 150*lbs.* net weight, by 32 G. III. c. 49. s. 2.

**BARK, JESUITS.** See article *Drugs* in this list.

**BAST OR STRAW HATS.** Hais or bonnets of bast or straw, and the bast or straw plaiting for making them, are importable only into London; and not there, unless in packages of 75 dozen hats, or of 224*lbs.* of plaiting, on forfeiture of the same, or the value, and the vessel also, if not above 50 tons. 10 G. III. c. 43.

**BITS, foreign manufacture.** Bits manufactured in foreign parts (not being French or Dutch) are not importable for sale, on forfeiture of the same, or their value. 5 Eliz. c. 7. 3 Car. I. c. 4. and 16 Car. I. c. 4.

**BONE LACE OF THREAD.** Bone lace of foreign silk or thread is prohibited to be imported under penalty of forfeiture, and 100*l.* 13 and 14 Car. II. c. 13.; but except by 5 Ann. c. 17, foreign bone lace, made of thread in the Spanish Low Countries, or in any other places not in the dominions of the French King or the territories of the Duke of Anjou.

**BOOKS.** Books, the copyright of which is the property of persons in Great Britain, may not be imported within 14 years after publication, without con-

sent of the proprietor, except books in Greek, Latin, or other foreign language, printed abroad, on penalty of their forfeiture, and one penny per sheet, and the books so imported may be wasted. 8 Ann. c. 9. Popish books, viz. primers, ladies' psalters, manuals, rosaries, catechisms, missels, breviaries, portals, legends, and lives of saints, containing superstitious matter, in any language, or any superstitions books in English, are not importable, on penalty of 4*s.* for every book, which is also to be burnt. 3 Ja. I. c. 5. s. 29.

**BUCKLES.** Buckles for shoes (provided they do not fall within the denomination of French or Dutch hardware, cutlery, glass ware, works of iron, steel, copper, or brass, sadlery, porcelain, earthenware, pottery, cabinet ware, turnery, or woollen manufactures), are not importable for sale by strangers or aliens, on penalty of forfeiture. Rich. III. c. 12.

**BULLION.** By 12 Car. II. c. 18, bullion may be imported, even without entry, in any ships, and from any place, free of duty.

**BUTTONS.** Buttons (foreign), whether of thread or silk, and all other foreign buttons (except French or Dutch hardware buttons), are prohibited to be imported, on penalty of forfeiture, and 100*l.* 13 and 14 Car. II. c. 13, and 4 Will. and Mary, c. 10.

**CALICOES.** No piece of calico of the breadth of 1½ yard or under, is to exceed in length 10 yards: and no piece of calico above that breadth is to exceed six yards. If any piece shall exceed these lengths, the same is to be charged according to the respective lengths of 10 yards and 6 yards for each piece, and is to pay duty for the same in that proportion for any greater or less quantity. 39 G. III. c. 59. Under this denomination of calicoes (white) the following goods are comprehended, viz. byrampoints, white bastaes, callipatties, cassaes, patna, chowtas, doosooties, dolties, white emmerties, gurrahs, ginghams white, humhums, izzaries, toccowries, long chowtas, moories, manoodies, percaulacks, puteahs, sannoes, salampores, succatoons white, cloth, white dungaries.

Calicoes, muslins, or any other goods or stuffs made of linen yarn only, or of linen yarn or cotton wool mixed, or wholly of cotton wool, in the warp of which shall be woven in either or both selvages only,



only, through the whole or any part of the length, one or more blue stripe or stripes, of one or more thread or threads, are forfeited upon importation, and 10*l.* for each piece. 14 G. III. c. 72. s. 9.

**CALVES SKINS.** By 9 G. III. c. 39, (continued by 36 G. III. c. 40, till first June 1803, and to the end of the then next session of parliament), calves skins undressed may be imported from British colonies in America, duty free, upon due entry.

**CAMBRICKS and FRENCH LAWNs.** By stat. 37 G. III. c. 72, cambricks and French lawns are prohibited to be imported unless warehoused for exportation. These goods are importable only in bales, cases, or boxes, covered with sackcloth or canvas, containing 100 whole and 200 demi pieces, in vessels not under 60 tons, British built, and legally navigated, and only by licence from the commissioners of customs, grantable on demand without fee. 32 G. II. c. 32, and G. III. c. 43.

**CARMENIA WOOL.** By 24 G. III. sess. 2. c. 21, goats hair or Turkey goats wool may be imported duty free in British ship, if regularly entered.

**CANDLES.** Candles of all sorts imported in packages less than 22*lb.* net weight, are forfeited.

**CATTLE.** Great sheep or swine, or any beef or pork (except bacon) unless for ship's use (and also except 600 head of cattle yearly from the Isle of Man, imported into Chester), are prohibited to be imported on forfeiture of the vessel and seizure of the goods. 18 Car. II. c. 2. 20 Car. II. c. 7. 32 Car. II. c. 2. 5 W. & M. c. 2. But see in this list the article *Provisions*.

**CHOCOLATE.** Chocolate ready made and cocoa paste are prohibited to be imported on forfeiture thereof, and double value. 10 G. I. c. 10. s. 2.

**COCHINEAL and INDIGO.** Cochineal and indigo (by 13 G. I. c. 25, and 7 G. II. c. 18, continued by 36 G. III. c. 40, until 26th September 1802, and to the end of the then next session of parliament) may be imported from any place in any British ship or ships in amity, free of duty, except tonnage.

**CYDER.** Cyder imported from Guernsey, Jersey, Alderney, or Sark, by certificate, is free of custom duty.

**COFFEE or COCOA NUTS.** By stat. 27 G. III. c. 79, from British plantations in America may be imported in the husks, and so imported in the husks an allowance

of seven per cent. is to be made in charging the duties. S. 2, 3.

By stat. 5 G. III. c. 43. s. 34, and 29 G. III. c. 79. s. 4, coffee is not to be imported but in packages containing at least 112 *lb.* each, and to be kept stowed openly in the ship's hold, on forfeiture thereof.

By stat. 10 G. I. c. 10. s. 27, and 27 G. III. c. 31. s. 9, coffee or cocoa-nuts unshipped or landed before the duties are paid or secured, is forfeited, together with horses, carriages, &c. and persons assisting, or to whose hands the same shall knowingly come, forfeit treble the value thereof.

By stat. 10 G. I. c. 10. s. 2, and 4 G. II. c. 14. s. 12, cocoa paste is not to be imported, on forfeiture of double the value, and the shells and husks thereof are prohibited to be imported.

By stat. 35 G. III. c. 118. s. 8, 9, commissioners of excise are to provide such warehouses as they shall see necessary, for lodging and securing such coffee and cocoa-nuts as shall be imported, and to appoint officers to attend such warehouses.

Officers to mark every cask or other package of coffee or cocoa-nuts on board every ship or vessel importing the same with a progressive number, and a distinguishing landing-mark; and if unshipped before the same shall have been so marked, they may be seized. S. 10.

When the same shall have been so marked, importers of such coffee and cocoa-nuts (if duly entered, and in presence of the officer) to unship and convey them to warehouses so provided as aforesaid, under penalty of 50*l.* *Ibid.*

Importers, at their own expence, within fourteen days after the same shall have been so lodged in such warehouses, to take such coffee and cocoa-nuts out of the casks, &c. containing the same, in the presence of the proper officer, to be weighed, at which time the damaged parts may be separated, and to re-pack the same into such casks, &c. containing 112 *lb.* net of coffee or cocoa respectively at least, under penalty of 50*l.* S. 11.

Importers are to bring to, and take the coffee, &c. from the scales, and remove casks, &c. as the officers shall direct; and the officers are to mark the tare of casks, &c. and the net weight thereof, under penalty of 50*l.* *ibid.*

Importers

Importers are not liable to the said penalty unless they neglect, for three days after notice from the officers, to take such coffee and cocoa-nuts out of the cask, &c. and cause them to be weighed. *Ibid.*

Importers, &c. desirous of taking coffee or cocoa-nuts out of such warehouse, either for home consumption or exportation, shall give to the proper officers of customs and excise one hour's notice in writing, if the same be taken out for home consumption, and twelve hours notice, at least, if for exportation; such notice to specify the particular casks, &c. containing such coffee and cocoa-nuts, and also the landing marks set thereon, under penalty of 50*l.* S. 14.

Importers, &c. are at the time specified in the said notice, or within one hour afterward, at their own expense, to cause the said coffee and cocoa-nuts to be weighed in such warehouse, and the officers to take account thereof; and shall thereupon forthwith pay down, in ready money, to the proper collectors of customs and excise, if taken out for home consumption, the several duties imposed upon the same according to the net weight thereof, under penalty of 50*l.* *Ibid.*

The turn of the scale, in taking accounts in such warehouses, to be in favour of the crown; and importers, &c. are to be allowed one pound weight avoirdupois upon each 100 lb. weight of cocoa-nuts so taken an account of, which are to be allowed in lieu of waste or damage, &c. S. 15.

Coffee or cocoa-nuts to be duly entered or landed within 30 days, otherwise the proper officers of customs or excise may lodge the same in some warehouse, the importer to pay the costs and warehouse rents; and if not cleared within one month, the same may be sold for payment of duty and charges; but if at such sale no one should bid more than the duty and charges, the coffee and cocoa-nuts shall be burnt; and if sold, then out of the surplus of excise the custom-duty may be paid over, or *vice versa*, and the remaining surplus, if any, is to be paid to the proprietor. S. 20.

COIN OF GOLD AND SILVER. False or counterfeit current coin, imported to be uttered, is forfeited, and the fact of importation subjects the im-

porter to the penalties of high treason, 9 and 10 Edw. III. c. 2, and 1 and 2 William and Mary. And by 14 Geo. III. c. 42 (revived and made perpetual by 39 Geo. III. c. 75), silver coin of this realm, not being of the established standard, either in weight or fineness, is prohibited to be imported upon forfeiture thereof.

CORN OR GRAIN may be imported into any port of Great Britain or Ireland duty free.

CORN, GROUND. By 31 G. III. c. 30. s. 15, corn ground (except wheatmeal and oatmeal) is prohibited to be imported, on forfeiture of it and the vessel. See *Provisions*.

COTTON WOOL OF BRITISH PLANTATIONS. By 6 G. III. c. 52, cotton wool may be imported into Great Britain from any place whatever, duty free, in British-built ships legally navigated, if regularly entered and landed.

COTTON YARN. By 38 Geo. III. c. 63, cotton yarn and cotton cloth, the manufacture of the Isle of Man, may be imported into Great Britain, free of duty; and no cotton yarn is to be imported into the Isle of Man, except from Great Britain, on forfeiture thereof.

CURRENTS. Currants are importable only in British-built ships, or in ships of the same built of the country as the goods, or of some country in Europe belonging to the sovereign of the European country of which the goods are the produce, or at the usual ports of shipping for transportation, all legally navigated, on forfeiture of goods and vessel, 12 Car. II. c. 18, and 27 G. III. c. 19; nor otherwise than in casks of 5 cwt. net each, on forfeiture of the same and packages; but vessels coming from places whence they are usually brought, may have on board for ship's use, not exceeding 5 cwt. stowed openly in a cask capable of containing 5 cwt. which must be regularly entered. 23 G. III. c. 11. Currants are prohibited to be imported from Germany and the Netherlands.

CUT WORK. Cut work, foreign, or silk-thread, or either of them, prohibited to be imported, on penalty of 100*l.* 13 and 14 Car. II. c. 13.

DAVIS'S STRAITS. See *Whalebone, Oil, &c.*

DIAMONDS. Diamonds, pearls, rubies, emeralds, &c. are under no restriction of entry, &c. upon importation,

portation, and are importable from any place in any ships.

**DRUGS.** Jesuits or Peruvian bark, sarsaparilla, balsam of Peru and Tolu, and all other drugs the growth and produce of America, may be imported from any British plantations in America, in ships legally navigated, upon payment of the same duties as from the places of their growth. 7 Anne, c. 8. s. 12.

The following articles are comprehended under the denomination of *manufactured drugs*, viz. aqua fortis, fossil alkali, Goa stones, oils, chemical tincture of rhubarb, and all other tinctures.

Under drugs *unmanufactured* the following articles are comprized, viz. aloes from the Cape, arsenic, cassia, minca, cardamom seeds, castor seeds, gum copal, jesuits bark, or cortex paruviana, nux vomica, rag pearl, seed pearl, stags horns or harts horns, squinanthum, terra japonica, turbitb, thapsia, and unknown drugs.

**EAST INDIA GOODS.** By stat. 11 and 12 W. III. c. 10, East India wrought silks, Bengals, and stuffs, mixed with silk or herba, of the manufacture of China, Persia, or East India, and calicoes printed, painted, dyed, or stained there, may not be imported, unless to London; stat. 29 G. III. c. 59. s. 16, 17.

By stat. 12 Car. II. c. 18, East India commodities may be imported in British built ships, legally navigated, from the usual places of lading to the eastward of the Cape of Hope, although the same be not the very places of growth.

**EAST INDIA GOODS PROHIBITED.** Under the denomination of East India goods prohibited, the following articles are comprehended, viz. arras, allejars, atchabannes, abbarcars, atlas, cuttanees, bejutapants, byrampants, brawles, bandannoes, Bombay stuffs, cardimaries, chillies, chintz pieces or remnants, cotton romals, chilloes, coopees, cushtaes, callaioopores, cotton romal handkerchiefs, chander bannes, cherconies, chuclaces, cuttanees, deckmonsays, dysooksays, dimities, painted clatches, gingham, striped or coloured Guinea stuffs, gurrahs, soot, gold atlas, habassees, herba lungces, jilnills, jamwares flowered, jamdannies flowered, kissasays, king cobs, long cloths blue, lemanics, lungies, nillacs, nicances, neganepants, photacs, poises, penca, coes, palampores, paint-

ed gauze silk, romals, fastracundies, fannoes, seersuckers, silk handkerchiefs, silk stockings, seetersays, sooseys, shaibasts, silk skeins, silk wrought taitetas, repays, repsals, tuta, humsey, lustrings, and all coloured goods, either striped, stained, printed, or coloured.

By 3 G. III. c. 30, 41 G. III. c. 30, 18 G. III. c. 26, and 16 G. III. c. 51, the lords of the treasury may licence any of the above articles, and also arangoes, couries, and tea, to be imported by the East India Company from any part of Europe not within his majesty's dominions, in British built ships legally navigated, for supply of the African trade, and for the supply of tea for home consumption; on failure of the company supplying the market, the licence may be granted to other persons.

**EBONY FROM AFRICA.** By 27 G. III. c. 32 s. 25, ebony unmanufactured, the growth and produce of Africa, may be imported into Great Britain in British built ships legally navigated, without payment of any duty, except convoy duty.

**EMBROIDERY.** By stat. 13 and 14 Car. II. c. 13, embroidery or fringe foreign, of silk, thread, or either of them, are prohibited to be imported or used, on penalty of forfeiture of 100l.

**FIGS.** By 33 G. III. c. 70, and 27 G. III. c. 13. s. 33, figs are importable only in such vessels as are described under the article *Raisins*, but they are prohibited from Germany and the Netherlands.

**FISH, FRESH.** By 1 G. I. stat. 2. c. 18, if imported in British vessels, owned, registered, and navigated according to law, may be imported without duty; no herring, cod, pilchard, salmon, or ling, fresh or salted, dried or bloated, nor any brill, mackarel, whiting, haddock, sprats, coal fish, gull fish, congers flat fish, nor any other sort of fresh fish, are importable into England, if taken by, bought of, or received from any foreigner, or out of any stranger's bottom, except protestant strangers inhabiting this kingdom, on penalty of 20l. But eels, anchovies, sturgeon, botaige or cavia, lobsters, and turbot are importable by any persons.

By stat. 41 G. III. c. 77, salted salmon, or salted dry cod fish, may be imported from Newfoundland or Labradore by British subjects, and a bounty of 3s. per quintal or cwt.

FLASKS.

**FLASKS.** By stat. 27 G. III. c. 32, s. 9, flasks, in which are wine or oil, may be imported duty free.

**FLAX.** By 12 Car. II. c. 18, and 27 G. III. c. 19, flax and hemp are importable only in British built ships, or in British built ships owned by British subjects, or in ships of the built of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping them for transportation, all legally navigated, on forfeiture of goods and vessel.

By 4 G. II. c. 27, rough flax may be legally imported into Great Britain free of duty (except tonnage duty), if regularly entered and landed.

**GLASS.** By st. 38 G. III. c. 33, every package imported, containing plate glass, crown glass, or sheet glass (unframed), must be marked on the outside with the word *glass*, in Roman letters not less than four inches long, or else the package and its contents will be forfeited; and every package must contain not less than 500 weight, on penalty of forfeiture, unless the glass consist of plates of 60 inches or more in length.

**GLOVES.** By 5 G. III. c. 48, and 6 G. III. c. 19, gloves or mits of silk or leather, or silk stockings foreign manufactured, are prohibited to be imported, on penalty of 200l. and the goods forfeited.

**GERMANY AND THE NETHERLANDS.** By 13 and 14 Car. II. c. 11, no wines, except rhenish, nor spices, grocery, tobacco, potashes, pitch, tar, salt, rosin, deal boards, fir timber, or olive oil, may be imported from the Netherlands or Germany, in any sort of ships or vessels whatsoever.

Except by 6 G. I. c. 15, s. 2, wine the growth of Hungary, which may be imported from Hamburg, 1st Anne, stat. 1. c. 12, and wines of Hungary, the Austrian dominions, or any part of Germany, which are importable from the Austrian Netherlands, or from any place subject to the Emperor of Germany or house of Austria, in any such ships as are described in rule 1, 22 G. III. c. 19, s. 10.

**GOAT SKINS UNDRESSED.** By 15 G. III. c. 35 (made perpetual by 31 G. III. c. 43), raw or undressed goat skins may be imported from any port or place whatever, in British built ships legally navigated, free of duty (except tonnage duty), if regularly entered and landed, otherwise liable to duty.

**GOLD BEATERS WARES.** Gold beaten, wrought in paper for painters and gold beaters wares, are not importable for sale by aliens.

**GOLD OR SILVER THREAD.** By 10 Anne, c. 26. s. 65, 15 G. II. c. 20, and 22 G. II. c. 36, gold or silver thread, lace, fringe, or other work made thereof, or any thread, lace, or other work made of copper, brass, or any other inferior metal, or gold or silver wire or plate, foreign embroidery, or gold or silver brocade, are prohibited to be imported, upon penalty of 100l. on the importer, and the goods forfeited and burnt.

**GREASE.** By 7 G. III. c. 12 (continued by subsequent acts till 25th March 1806, and thence to the end of the then next session of parliament), grease, including lard, may be legally imported from any place into this kingdom free of duty, if regularly entered and landed, except tonnage duty.

**GROCERY.** See *Spiceries*.

**GUM CASHEW.** By 30 G. III. c. 28, gum cashew, the growth of any of the British West India Islands (including the Bahama and Bermuda, or Somers's Islands), may be imported in British ships, owned and navigated according to law, upon payment of the same duties as gum arabic or gum senega.

**GUM SENEGA.** By 25 G. II. c. 32, the importation of this gum from Europe is permitted by British subjects in British built ships legally navigated.

**HEMP, AMERICAN.** Hemp, the produce of British plantations in America, water rotted, bright, and clean, may be legally imported free of duty, by 8 G. I. c. 12.

**HEMP FROM THE EAST INDIES.** Hemp undressed, or any vegetable substance of the nature of undressed hemp, and applicable to the same purposes, may be imported from the countries within the exclusive trade of the East India Company; free of any duty whatever, except such duty or allowance as the East India Company may be entitled to by virtue of any act of parliament. 41 G. III. c. 25.

**HIDES.** Raw and undressed hides of any kind whatsoever (except horses, mares, and geldings) may be imported from British colonies in America, duty free, if duly entered and landed. 9 G. III. c. 39.

**HORS.** If imported unclean, corrupt, or mixed with powder, dust, dross, sand, or soil, are forfeited.



feited. 1 Jac. I. c. 18. s. 2, 3 Car. I. c. 4. s. 22, 16 Car. I. c. 4. s. 2.

**INDIGO.** By 13 G. I. c. 25, and 36 G. III. indigo and cochineal may be imported from any place in any British ships, or ships in amity, free of duty, except tonnage duties imposed by 42 G. III. c. 117.

**IRON.** By 23 G. II. c. 29, and 30 G. III. c. 16, pig and bar iron may be imported into Great Britain from British colonies in America free of duty (except tonnage duty), upon certificate from the place of exportation of its being plantation iron, properly stamped, and the master making oath that it is the same as was shipped.

**KNIVES.** Knives and knife handles, scabbards and sheaths for knives (not being French or Dutch cutlery or hardware) made in foreign parts, are not importable for sale.

**LACES.** Laces of leather made in foreign parts are not importable for sale; lace of gold or of thread, and laces in general, are not importable for sale.

**LINSEED.** By 3 G. III. c. 7, linseed and rape cakes may be imported duty free; and by stat. 40 G. III. c. 64, linseed and rape cakes may be imported in any neutral vessel duty free, until January the 1st, 1804.

**LOBSTERS.** By 1 G. I. st. 2. c. 18. s. 10, lobsters may be imported freely by any persons, and in any ships, even without entry, duty free.

**LONDON PORT DUTY.** See *London*.

**MAN, ISLE.** See *Isle of Man*.

**MALT.** Malt of all sorts is prohibited to be imported, on forfeiture of it and the vessel, 31 G. III. c. 30. s. 19. But see *Provisions*.

**MUM.** By stat. 27 G. III. c. 13, French mum may be imported from the European dominions of the French in British or French ships, on payment of the duties.

**MUTTON.** Mutton is prohibited to be imported under similar penalties as great cattle, 32 Car. II. c. 2. See *Provisions*.

**NAVAL STORES.** Naval stores may be imported from America until September 29th, 1812.

**NEEDLE WORK.** By 13 and 14 Car. II. c. 13, needle work foreign, of either silk or thread (except millinery of France and Holland and East India needle work) is prohibited to be imported, on penalty of forfeiture and spoil.

**MOROCCO STATES.** By stat. 27 G. III. c. 19, any goods, the produce of the Emperor of Morocco's dominions, may be imported into Great Britain from Gibraltar in British ships legally navigated, such goods having been imported into Gibraltar directly.

**NEUTRAL SHIPS.** By 39 G. III. c. 112, this majesty may, by order in council, permit any goods that may be specified in such order of council, to be imported into this kingdom in ships belonging to the subjects of any state in amity. This act was limited by 41 G. III. c. 20, till six weeks after the commencement of the next session of parliament.

**OILS OF MACE, &c.** Oils of mace, cinnamon, cloves, and nutmegs, may be imported from places not of the growth of those respective spices. 19 G. III. c. 48.

**OIL, OLIVE.** By 13 and 14 Car. II. c. 11, olive oil is not importable from Germany or the Netherlands, on forfeiture of the same and vessel. But from any other place only in British built ships, or in British ships owned by British subjects, or in ships of the built of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping for transportation, all legally navigated, on forfeiture of ship and goods. 27 Car. II. c. 18.

**OIL, TRAIN.** See *Fisheries*.

**OIL FROM NEWFOUNDLAND.** By 26 G. III. c. 26, fish oil, or blubber of whales, seal-skins of the Newfoundland fishery, may be imported, duty free, although not wholly caught by the vessel importing the same, so that the whole imported is of that fishery by British subjects, to which fact the master is upon importation to make oath.

**OIL FROM GREENLAND.** Whale fish, oil, or blubber of whales, seal-oil, or seal-skins, or any other produce of seals, or other fish or creature taken or caught in the Greenland Seas, Davis's Straits, or seas adjacent, by British subjects, usually residing in Great Britain or Ireland, Guernsey, Jersey, or Man, in British built ships, owned and navigated as is required to entitle them to the bounties by act of parliament, may be imported duty free, upon the master and mate making oath that the same were caught by the crew in such fishery. 26 G. III. c. 41.

**PACKET BOATS.** By 13 and 14 Car. II. c. 11, packet boats may not import goods without licence from the commissioners of customs, on forfeiture of the goods, besides 100*l.* and less of place.

**PAINTED WARES.** Painted wares, except paper and pictures, or other enumerated articles upon which duties are charged, are not importable for sale.

**PAPER.** By 41 G. III. c. 8, paper imported in less than a ream is forfeited.

**PAPER, WASTE.** By 39 and 40 G. III. c. 70, waste paper is permitted to be imported free of duty, for the purpose of being re-manufactured in this country, being duly entered and legally landed.

**PERSIA.** By stat. 14 G. II. c. 36, goods of the growth, produce, or manufacture of Persia (provided such manufacture be of the growth or produce of Persia), may be imported in British built ships legally navigated from any place in the Russian empire, by persons free of the Russia company, such goods having been purchased by barter with commodities, (except with gold or silver, in coin or in bullion), or the produce arising therefrom exported from Great Britain to Russia, and from thence carried into Persia. Persian goods are importable also by the East India Company.

**PITCH, TAR, &c.** Pitch, tar, and rosin are not importable from Germany or the Netherlands, on forfeiture of the same and vessel. 13 and 14 Car. II. c. 11. But they may be imported from any other place in British built ships, or in British ships owned by British subjects, or in ships of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping for transportation, all legally navigated. 12 Car. II. c. 18, and 27 G. III. c. 19.

**POINTS.** Points made in foreign parts are not importable for sale, and point makers wares are not importable for sale by aliens.

**POPISTH TOKENS.** Popish tokens, such as agnes dei, crosses, pictures, beads, and other superstitious things, may not be imported, under the penalties of præmunire. 13 Eliz. c. 2.

**PLANTATION, BRITISH.** The shipping laws which regulate the imports and exports of the British colonies or plantations are digested under the four fol-

lowing heads, which for a more ready and methodical comprehension of the whole system are stated as rules and exceptions.

1st. *Ships permitted to trade to and from British plantation.* No goods or commodities may be imported into or exported from any colony or plantation in Asia, Africa, or America, belonging to or in the possession of Great Britain, but in British built ships owned by British subjects, and navigated by a master and three-fourths at least of the mariners British subjects. 7 and 8 W. III. c. 22.

Except as follows, viz. By 27 G. III. c. 27, s. 2, made perpetual by 32 G. III. c. 37, wool, cotton wool, indigo, cochineal, drugs of all sorts, cocoa, logwood, fustic, and all sorts of wood for dyers, hides, skins, and tallow, beaver, and all sorts of furs, tortoise shell, hardwood, or mill timber, mahogany, and all other woods for cabinet wares, horses, asses, mules, and cattle, being the growth and product of any of the colonies or plantations in America, under the dominion of any foreign European state, and all coin, bullion, and diamonds, or precious stones; and also by 33 G. III. c. 50, s. 8, tobacco being the growth or produce of any of the West India islands, or country on the American continent, belonging to any foreign European state, may be imported from any of the said places into the ports of Kingston, Savannah La Mer, Montego Bay, Saint Lucia, and Port Antonio in Jamaica; by 33 G. III. c. 50, into Saint George in Grenada, Roscau in Dominica, and Nassau in New Providence, and also into Saint John's in Antigua; by 33 G. III. c. 50, and 37 G. III. c. 99, into the port of Scarborough in Tobago; by 36 G. III. c. 53, into San Josef in Trinidad; by 37 G. III. c. 77, into the port of Amsterdam, in the island of Curacoa; by 41 G. III. c. 77, s. 23, in any foreign vessel whatever, of any tonnage, provided it have no more than one deck, and is either owned and navigated by the subjects of any foreign European state, or owned and navigated by any persons inhabiting any of the said countries, or on the continent of America, belonging to or under the dominion of any such foreign state; 27 G. III. c. 27, s. 2, 30 G. III. c. 29, s. 1, and 31 G. III. c. 38, s. 7, sugar and coffee, likewise the produce of any foreign colony or plantation, may be imported into Port Nassau, in New Providence, and

and into such other ports in the Bahama islands, or Bermuda islands, as may be approved of by the king in council, in such foreign vessels as before described by 32 G. III. c. 43, and also into any of the islands called Coicoes; by 33 G. III. c. 50, all other goods so imported, together with the vessel, are forfeited. 27 G. III. c. 27. s. 3.

By stat. 27 G. III. c. 27. s. 4, and 31 G. III. c. 38. s. 8, in return such vessels may export, from the said ports to the said American colonies, belonging to some foreign European state, the following articles; viz. rum, the produce of any British island; negroes, which have been brought into such islands in British built ships, owned, navigated, and registered according to law; and all manner of goods which shall have been legally imported into the said island: except masts, yards, and bowsprits; pitch, tar, turpentine, and tobacco; and also except such iron as shall have been brought from British colonies or plantations in America.

To these exceptions may be added, that, by 28 G. III. c. 6. s. 5, vessels of the United States of America coming in ballast, may enter the ports of Turks Islands for the purpose of being laden with salt there, which they may thence export, each vessel paying previously a duty of 2s. 6d. per ton burthen of such vessels.

2nd. *Exportation of British colonial produce from British colonies.* By 12 Car. II. c. 18, no sugar, tobacco, cotton, wool, indigo, fustic, or other dyeing woods; rice or melasses; by 3 and 4 Anne, c. 5. s. 12, no copper ore; by 8 G. I. c. 18. s. 22, no coffee, pimento, cocoa nuts, whale fins, raw silks, hides or skins, pot or pearl ashes, iron, nor any sort of wood called lumber; by 4 G. III. c. 15. s. 27, 28, being of the growth, product, or manufacture of any British plantation in Asia, Africa, or America, may not be transported to any place whatever, other than to some British plantation, or to Great Britain, or (by 20 G. III. c. 29) to Ireland.

Except sugar; for, by 12 G. II. c. 30, and 15 G. II. c. 33. s. 5, any British subject in British built, or British owned vessels, that shall clear outwards from Great Britain for the British colonies or plantations in America, may load there any sugar of their growth, and carry it thence to any foreign part in Europe;

provided a licence be first taken out for that purpose from the commissioners of customs at London or Edinburgh.

Except also sugar, melasses, coffee, and cocoa nuts, which, together with ginger, pimento, and all goods and commodities which, in the year 1788, were not prohibited to be exported to any foreign country in Europe, may be exported from the British West India islands to the United States of America; but neither these, nor any other (except salt from Turks Islands, as mentioned in rule 1), are exportable only by British subjects, in British built ships, owned and navigated according to law. 28 G. III. c. 6. s. 3.

Except also lumber, which, by 5 G. III. c. 45. s. 22, may be exported from British colonies, and carried to the Madeiras, the Azores, or any part of Europe, to the southward of Cape Finisterre.

All other goods and commodities not before enumerated, being the growth, product, or manufacture, of any British colony or plantation in Asia, Africa, or America, may be transported directly to any place whatever.

Except the following; viz. hops, which may not be carried to Ireland, by 5 G. II. c. 9; nor rum, and other spirits, to the Isle of Man, by 5 G. III. c. 39; nor rum to Guernsey or Jersey, by 9 G. III. c. 28; nor East India goods, which must be brought to London, by 7 G. I. st. 1. c. 21: and except that (by 28 G. III. c. 6) no goods or commodities whatever are exportable from Turks Islands to British dominions in America, or West Indies, except salt; nor to Great Britain or Ireland, unless it be salt, or such other goods as are importable into Great Britain from all countries duty free.

Except also that no hats or felt, whether colonial manufacture, may be exported from one plantation to another, nor to any other place whatsoever, on penalty of 500l. 5 G. II. c. 22.

Except also that no wool, woollfells, shortings, mortlings, woollflocks, worsted, hay or woollen yarn, cloth, serge, bays, kerseys, says, friezes, druggets, cloth serges, shallons, or any other drapery, stuffs, or woollen manufactures whatsoever, made or mixed with wool or woollflocks, being the product or manufacture of any British plantations in America, may be exported from any of the same to any of the said plantations, or to any other place whatsoever, on for-

feiture of the same, and the vessel, and also geol. 10 and 11 W. III. c. 10. s. 19, 20.

3rd. *Exportation of goods, not being British colonial produce, from British colonies.* Any goods, the product of Europe, may be exported in any British vessel, owned and navigated according to law, from Grenada, Dominica, Jamaica, Antigua, and Trinidad, or from the Bahamas, to any British colony or plantation in America or the West Indies; by 38 G. III. c. 39. s. 1.

Any goods which have been legally imported from any colony or plantation in America, belonging to any foreign European state, into Grenada, Dominica, Jamaica, Antigua, Trinidad, or the Bahamas, may be exported thence in British vessels, owned and navigated according to law, to any British colony or plantation in America, or the West Indies; by 38 G. III. c. 39. s. 2.

By 27 G. III. c. 27. s. 7, goods the product of the East Indies may not be exported from Grenada, Dominica, or Bahamas, to any other British colony or plantation in America, or the West Indies, upon forfeiture of ship and goods.

All the articles enumerated in the exception to the first rule, except hard wood or mill timber, having been imported into the free ports, and in the manner there mentioned, may be exported thence, and brought into Great Britain or Ireland, under the same regulations as goods of the growth of these British colonies. S. 6.

Except sugar and coffee, which may have been so imported into Port Nassau, or other port in the Bahama or Bermuda Islands, or into the island called Caicos, which sugar and coffee, upon importation into Great Britain, shall be deemed to be not of British plantations, and shall pay such duties of custom and excise accordingly.

By 29 G. III. c. 68, tobacco of American States, which may, in fair traffic, have been taken into any British West India islands, may be thence exported to Great Britain.

4th. *Importation in British Colonies.* No goods or commodities of the growth, product, or manufacture of Europe, may be imported into any land, island, plantation, colony, territory, or place, belonging to, or in the possession of, Great Britain in Asia, Africa,

or America, but such as shall be shipped in Great Britain or Ireland. 15 Car. II. c. 7. s. 6, and 20 G. III. c. 10.

Except salt from any part of Europe for the Newfoundland fisheries, and wines from the Madeira, and the Azores for British colonies, &c. by 15 Car. II. c. 7. s. 7; and except food or victuals, the growth, product, or manufacture of Great Britain, Ireland, Guernsey, or Jersey, and craft, clothing, or other goods of Great Britain, Guernsey, or Jersey, to Newfoundland, or to any other British colony where the fishery is carried on, for the use of the fishery. 9 G. III. c. 28.

By 28 G. III. c. 6. s. 10, and 31 G. III. c. 38. s. 1, no tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading boards, timber, shingles, or timber of any sort; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, may be imported into any British West India island (including the Bahama and Bermuda Islands), from any foreign West India island, nor from any colony or plantation on the continent of South America, belonging to any foreign European state, upon forfeiture thereof, and of the vessel.

Except that the governors of any British West India island may, in cases of public emergency, and for a limited time, authorize the importation of those articles from any such foreign West India island, or foreign colony on the continent of South America, but only by British subjects in British built ships, owned and navigated according to law. 28 G. III. c. 6. s. 11, and 31 G. III. c. 38. s. 1. And such articles may not be re-exported.

Except also that, by 33 G. III. c. 50, any British built ships, owned, navigated, and registered according to law, may import into any British West India islands from any colony or plantation on the continent of South America, under the dominion of any foreign European sovereign, or from Trinidad and port Rico, in the West Indies, the following species of timber; viz. bully-tree, purple-heart, green-heart, black-heart, mastic, yellow, saunders, locusts, or bastard mahogany, being of the growth of those colonies or islands.

By 28 G. III. c. 6. s. 1, no goods or commodities may



may be imported from the United States of America into the West India islands, including the Bahama and Bermuda islands.

Except tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading boards, timber, shingles, and lumber of any sort; neat cattle, sheep, hogs, poultry, and live stock of any sort; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, and grain of any sort, being the growth or product of the United States, and imported only by British subjects, in British built ships, owned and navigated according to law.

No goods or commodities may be imported from the United States of America, by sea or coastwise, into Quebec, or the countries or islands within that government, or up the river St. Laurence, nor at all the provinces of Nova Scotia or New Brunswick, the islands of Cape Breton, St. John's, or Newfoundland, or any country or island within their respective governments. S. 12, 14.

Except that the governors of Nova Scotia, the islands of Cape Breton, and St. John's, may, in cases of public emergency, and for a limited time, authorize the import of scantling, planks, staves, heading boards, shingles, hoops, or square timber of any sort, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort; and except also that the governor of Newfoundland, being empowered by an order of council, may authorize in cases of necessity, the importation of bread, flour, Indian corn, and live stock into Newfoundland for the then ensuing season, 28 G. III. c. 6. s. 13. And also except that the governor of Quebec may in times of similar emergency, authorize the import by sea or coastwise into Quebec, of neat cattle, sheep, hogs, poultry, or live stock of any sort; bread, biscuit, flour, peas, beans, potatoes, rice, oats, barley, or grain of any sort, or flour made thereof, from any of the United States of America, but only by British subjects in British built ships, owned and navigated according to law, upon forfeiture of goods and vessel.

**PRIZE GOODS.** The act of 33 G. III. c. 34, made for the relief of the captors of prizes, contains the following regulations:

Sec. 1. All prize goods, upon condemnation, shall and may be warehoused under the king's locks at the expence of the captors, and for which, upon admission to such warehouses, there shall be paid the following duties, viz.

Wine or vinegar, per ton of 252 gallons	£. 3	0	0
Brandy taken by a ship of war, per ton	2	5	0
— taken by a private vessel, per ton	0	15	0
Brown or muscovado sugar, taken by a ship of war, per cwt.	-	-	0 6 0
— taken by a private vessel, per cwt.	-	-	0 2 0
Coffee taken by a ship of war, per cwt.	0	10	6
— taken by a private vessel, per cwt.	0	3	6
Cocoa taken by a ship of war, per cwt.	0	3	9
— taken by a private vessel, per cwt.	0	1	3
All other goods not particularly excepted, nor particularly charged with duty, if taken by a ship of war, per cent. <i>ad val.</i>	7	10	0
If taken by a private vessel, per cent. <i>ad val.</i>	-	-	2 10 0

Sec. 2. No duties whatever are demandable for prize goods consisting of military or ship stores, viz. sails, cordage, and anchors, and cables, masts, yards, bowsprit, blocks, guns, gunpowder, shot, match, gun carriages, cartridges, and other materials thereto belonging, and all timber and iron converted into and made fit for ship building, or for any of the uses or purposes aforesaid, salted beef, pork, and butter, biscuit, small beer, peas, and oatmeal, sailor's cloth, bedding, apparatus, and instruments belonging to surgeons, or for any goods which, before the 1st of May 1793, might be imported duty free.

Sec. 3. All prize wheat, wheatmeal, or flour, rye, barley, beer, or bigg, oats, oatmeal, peas, beans, Indian corn, and maize, shall be liable to the same rules and duties as if it were imported by way of merchandise.

Sec. 4 and 9. All China and East India goods condemned as prize, shall be publicly sold in London, on such conditions, &c. as are practised at the sales of the East India company, and they shall be subject and entitled to such duties and drawbacks as those imported by the East India company.

Sec. 5. Prize tobacco and snuff brought into any ports not authorized for the import of tobacco must be removed.

removed to some one of those that are so authorized, where all tobacco and snuff shall, on condemnation, be warehoused in his majesty's tobacco warehouse, at the rate of one penny halfpenny per week for every hogshead or other package, and the same be exported thence without payment of any duty; or it may be taken out for home consumption, on payment of the same duties as on tobacco and snuff of British plantations in America.

Sec. 6. Prize goods, the growth, &c. of France, sold for home consumption, are liable to the same duties as if they had been imported by way of merchandize.

Sec. 7. Commissioners of the customs may authorize warehoused prize goods (tobacco and snuff excepted) to be removed to any custom-house warehouse, at any other port in Great Britain.

Sec. 8. Prize goods condemned abroad are entitled, on importation into Great Britain, to the same indulgencies as if originally brought into British ports.

Sec. 10. Ships taken and condemned as prize, if condemned abroad, shall pay the duty thereon, on first arrival at a port in Great Britain, and there are not entitled to the privileges of British built ships, till such duty be paid. If not paid within three months after arrival, they may be sold by the commissioners of customs for the same, and the overplus paid to the proprietor. But by 34 G. III. c. 70, ships of war and privateers taken from the enemy are not liable to any duty.

Sec. 11. Warehoused prize goods may be imported on payment only of the duties before mentioned in this act, upon bond being given that they shall not be re-landed in Great Britain, Guernsey, Jersey, Sark, or Man, or the islands of Ferro.

Sec. 12. Upon prize goods taken out of warehouses for home consumption, the remainder of the duties are to be paid as if they had been imported by way of merchandize.

To these regulations we may add this general observation, that all prize goods are exempted from the requisitions of the Navigation Act of 12 Car. II. c. 18. relative to importations only from places of their growth.

PROVISIONS. By the act of 39 G. III. c. 87, a dis-

cretionary power is vested in his majesty, to authorize, by order of council, the free import, and to prohibit the export of certain articles of provision, which power is continued by 41 G. III. c. 5, and 42 and 43 G. III. until the 1st Jan. 1804.

1st. Whatever may be the general average price of corn, the exportation from England and Scotland respectively may be prohibited of any British or foreign wheat, rye, barley, beer, or bigg, peas, beans, oats, or any meal or flour, or bread, biscuit, or malt made thereof, or any Indian corn or maize, or meal or flour made thereof; and likewise the importation generally of any such articles may be permitted in any British vessel, or in vessels belonging to states in amity, and navigated in any manner, without payment of any duty whatsoever; and the said articles may likewise, under such permission, be carried coast-wise.

2. His majesty may likewise, by order in council, permit the importation into Great Britain, from any place whatever, in British or other vessels in amity, and navigated in any manner, kidney or French beans, tares, lentils, callivances, and all other sorts of pulse, and also bulls, cows, oxen, calves, sheep, lambs, and swine, beef, pork, mutton, veal and lamb, whether salted or otherwise; bacon, hams, tongues, butter, cheese, potatoes, rice, sago, sago-powder, tapioca, vermicelli, millet seed, poultry, fowls, eggs, game, and sour crout, without payment of any duty; but such articles must be regularly entered, or else they will be forfeited.

PRUNES are importable only in such vessels as are described under the article Raisins, and they are prohibited from Germany and the Netherlands.

PUMMELS made in foreign parts (not being French or Dutch) are not importable for sale.

QUARANTINE. See general article *Quarantine*.

QUEBEC. By stat. 30 G. III. c. 29, goods of the growth, &c. of countries contiguous to Quebec, brought thither by land carriage, or inland navigation, are importable upon the same terms and conditions, as if they were the produce of Quebec, provided they are accompanied by certificate from the officers of the customs of that province, that they have

have been legally imported thither. For more upon this head, see *Navigation and Plantations*. See also *Countervailing Duties, Customs, Ireland, Tonnage*.

**RAGS.** Rags, old ropes, or junk, or old fishing nets, fit only for making paper or pasteboard, may be imported duty free, upon being legally entered and landed, otherwise forfeited.

**RAISINS.** Raisins, figs, prunes, olive oils, corn, or grain, sugar, potashes, wines or vinegar, aqua vite, or brandy wine, being the growth, &c. of Europe, are importable only in British built ships, or in British ships owned by British subjects, or in ships of the built of the same country in Europe, belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping them for transportation, all legally navigated, on forfeiture of ship and goods. 12 Car. II. c. 18, and 27 G. III. c. 19. Raisins are prohibited from Germany and the Netherlands.

**RAPE CAKES.** By 30 G. III. c. 41, rape cakes for manure from British colonies in America, may be imported duty free; and by 36 G. III. c. 113, rape and linseed cakes may be imported by any persons in British vessels, legally navigated, from any foreign country, upon due entry, duty free. Still farther to facilitate the importation of linseed and rape cakes, it is enacted by 39 G. III. c. 64, that till the 1st January 1804, they may be imported in any ships belonging to the subjects of any state in amity.

**RAPE SEED.** By 30 G. III. c. 41, when middling British rape seed is at the place of importation, at or above 17l. 10s. per last, that, and any other seed commonly used for extracting oil therefrom, may be imported upon payment of certain low duties: one penny from British colonies in North America. And farther, rape seed from the said colonies may be imported without duty, and warehoused as corn, by 35 G. III. c. 117, (continued by subsequent acts till 21 June 1804) the before mentioned seeds may be imported in British ships legally navigated, from any country, upon payment of the lowest duty above mentioned, whenever middling British rape-seed is at or above 20l. per last.

**RAPIERS.** Rapiers made in foreign parts are not importable for sale. See *Bits*.

**RAW LINEN YARN.** By 29 G. II. c. 15, s. 13, 14,

any raw or brown linen yarn made of flax, known by the name of Dutch yarn and French yarn, and of spruce and Muscovy yarn, or any other foreign raw or brown linen yarn made of flax, may be imported in British, Irish, or plantation-built vessels legally navigated, free of duty (except tonnage), if regularly entered and landed.

**RAZORS.** Razors, not being French or Dutch cutlery, are not importable for sale.

**RIBBANDS.** By 3 G. III. c. 21, ribbands, laces, and girdles, foreign made, whether of silk alone, or of silk mixed with other materials, are prohibited, on penalty of 100l. on the importer, and the goods are to be burnt.

**RICE.** See *Provisions* in this list, and general article *Warehouse Goods*.

**RINGS.** Rings of copper, or of latten gilt, and rings for curtains (not being French or Dutch hardware), are not importable for sale. See *Andirons*.

**SADDLES.** Saddles, not being French or Dutch, made in foreign parts, are not importable for sale. Saddle-trees and saddlers' wares (not being French or Dutch), are not importable for sale by aliens.

**SALT.** Salt is not importable from Germany or the Netherlands, on forfeiture of goods and vessel, 13 and 14 Car. II. c. 11; nor by 38 G. III. c. 89, may any salt or rock salt, whether the produce of Great Britain or any other country, be imported into Great Britain from Guernsey, Jersey, Sark, Alderney, or Man (excepting only 2lbs. weight for the use of each seamen, and excepting fishing vessels having salt necessary for curing fish), upon forfeiture of the same, together with the ship and furniture. Foreign salt may not be imported in vessels under 40 tons burthen, or otherwise than in bulk: nor is it importable in any other than British built ships, or in British ships owned by British subjects, or in ships of the built of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping for transportation, all legally navigated, on forfeiture of the ship and goods. 12 Car. II. c. 18, and 27 G. III. c. 19. See general article *Fisheries*.

**SCABBARDS.** Scabbards and sheaths for knives (not

(not being French or Dutch hardware, turgery, &c.) are not importable for sale.

**SCISSA'S.** Scissars and shears for tailors (not being French or Dutch) are not importable for sale.

**SILK, thrown.** By 2 W. and M. c. 9, thrown silk of Turkey, Persia, East Indies, China, or any other country, may not be imported, except thrown silk of Italy, Sicily, or Naples, brought directly thence by sea in British ships legally navigated, on penalty of forfeiture: but any organized thrown silk, the growth or manufacture of Hungary, or the Austrian dominions, or any part of Germany, may be imported from the Austrian Netherlands, or any place subject to the Emperor of Germany.

**SILK, raw.** Raw silk, the culture of the British colonies in America, may be imported directly from thence into London, in ships legally qualified to trade thither, free of duty, if duly entered and landed, accompanied with certificate from the shipping port, and the master making oath to the identity of the packages, otherwise it is liable to duty. 23 G. II. c. 20. s. 1. Raw silk and mohair yarn of Asia, if brought from the Straits or Levant Seas, can be brought only from such places as are in the Grand Seigneur's dominions, 12 Car. II. c. 18, and 6 G. I. c. 14, and may be landed to be opened and aired in the lazarets of Ancona, Genoa, Leghorn, Malta, Marseilles, Messina, or Venice, if brought from the first shipping port without a clear bill of health. 11 G. III. c. 41. By 39 G. III. c. 99, raw silk of Persia may be imported in British built ships, legally navigated from the Russian dominions, by persons free of the Turkey company, such goods being purchased by barter with manufactures (except gold and silver in coin or bullion), or the produce arising therefrom, except from Great Britain to Russia, and although the same be not carried into Persia. Oath to the facts must be made by the importer, or the goods are forfeited.

**SILK, foreign.** Foreign wrought silks or velvets (except from the East Indies, and crapes and tiffanies of Italy, and except French or Dutch silk gauzes) may not be imported, on penalty of forfeiture, and 100l. by 6 G. III. c. 28.

**SILK, wrought Italian.** Silk crapes and tiffanies of

Italy, if not imported directly from thence, are forfeited, and 100l. by 31 G. III. c. 37.

**SUFFR.** See *Tobacco*.

**SOAP.** By 23 G. II. c. 21, soap is not importable in packages of less than 224lbs. net weight.

**SOAPERS WASTE.** By 18 G. II. c. 22. s. 1, soapers waste is importable duty free, if in vessels legally navigated.

**SPAIN, PORTUGAL, the AZORES, and MADEIRA or CANARIES.** By 12 Car. II. c. 18, and 17 G. II. c. 36, goods, the growth, product, or manufacture of the Spanish or Portuguese plantations or dominions, may be brought from any of the ports of Spain, Portugal, the Azores, the Madciras or Canary Isles, in British ships legally navigated, by any person whatever.

**SPANISH WOOL.** By 39 G. III. c. 98, Spanish wool may be imported by any persons from any foreign place whatever, in ships of this kingdom, or belonging to any state in amity.

**SPERMACETI, coarse and oily.** See *Oil*.

**SPIRITS.** The duties and drawbacks on the articles comprehended under this denomination will be found under their respective names. By 39 and 40 G. III. c. 60, spirits of the British settlements are put on the same footing, and rendered liable to the same duties and drawbacks, both of customs and excise, as rum or spirits of the British sugar plantations in the West Indies.

By 5 G. III. c. 43, spirits must be imported in vessels of upwards of 100 tons (except spirits of the British sugar plantations, which by 6 G. III. c. 48, are importable in vessels of 70 tons), or they and the vessel are forfeited. All other vessels are allowed a quantity not exceeding two gallons per man for the ship's use. Aqua vitæ is importable only in British built ships, or in British ships belonging to British subjects, or in ships of the built of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual ports of shipping for transportation, all legally navigated, otherwise they and the vessel are forfeited. By 12 Car. II. c. 80, and 27 G. III. c. 19, spirits (except rum of British plantations, and arrack) are importable only in casks of 100 gallons at least, on forfeiture of the same



same and vessel, 26 G. III. c. 73; but foreign spirits from Europe may be imported in casks of not less than 60 gallons, otherwise they and the vessel are forfeited. 19 G. III. c. 69, rum, in casks, must not be imported in less than 60 gallons (except smaller casks, from British plantations, designed for private use or for presents), on penalty of forfeiture of the same and vessel. 5 G. III. c. 43, all spirits, in whatever casks, are prohibited to be imported from the Isle of Man, on forfeiture thereof and the vessel. 5 G. III. c. 39, no spirits, except those from the British sugar plantations, may be imported of higher strength than one to nine over hydrometer proof, to be ascertained by Clarke's hydrometer, 27 G. III. c. 31, and 38 G. III. c. 53.

**SPIRITS FROM THE CAPE OF GOOD HOPE.** By stat. 39 and 40 G. III. c. 60, spirits of the Cape of Good Hope are liable to the same duties and the same drawbacks as spirits of the British West India plantations.

The regulations respecting spirits imported from the British West India plantations are to be applied to spirits from the Cape. S. 5.

The same duties are to be allowed on shipping thereof as stores to be consumed in voyages, as for West India spirits. S. 6.

Spirits of the Cape condemned as prize, and taken out of any warehouse for home consumption, are to be subject to the duties imposed by this act.

**SPICERY.** By 8 Anne, c. 71, spicery is not importable from Germany or the Netherlands, 13 and 14 Car. II. c. 11, except cinnamon, cloves, mace, and nutmegs, which are importable from any foreign ports, in British-built ships, legally navigated by licence from the commissioners of customs (which licence they are to grant upon demand, and without any fee, by 8 Anne, c. 7) the cinnamon in bales of 70 lbs. net each, the nutmegs, cloves, and mace, in casks of 300 lbs. net each, on forfeiture of the same, and the vessel, by 6 G. I. c. 21.

**STARCH.** By stat. 23 G. II. c. 21, starch is not to be imported from beyond the seas in any package containing less than 224 lbs. and is to be stowed openly in the hold of the ship, on forfeiture of the starch, and 50l. penalty by the master of the vessel. S. 27.

Foreign starch unshipped, to be landed before en-

try made and duty paid, is forfeited, together with the boats or vessels, horses, carriages, &c. and 5l. per cwt. S. 31.

Starch unlawfully imported or reloaded, or knowingly kept, harboured, or concealed, is forfeited, and the party so keeping it forfeits 50l. per cwt. S. 32.

**STRAITS, OR LEVANT SEAS.** By 12 Car. II. c. 18, commodities from the Levant are importable from the usual places of lading there, in British-built ships legally navigated, although such commodities be not the growth of such places, except raw silk, and mohair yarn of Asia.

**STIRRUPS.** Stirrups made in foreign parts (not being French or Dutch) are not importable for sale.

**STRAITS, OR LEVANT.** See *Navigation*.

**SUGAR.** Sugar not of British plantations, upon importation into Great Britain in British-built ship, owned, navigated, and registered according to law, from any country not in Europe, upon importation into London, Bristol, Liverpool, Lancaster, Glasgow or Leith, to be warehoused at the expence of the importer, free of duty.

**TEA.** Tea is importable only from the place of its growth.

**TOBACCO.** By stat. 29 G. III. c. 68, and 31 G. III. c. 47, tobacco may be imported only from British plantations in America, the United States of America, the Spanish and Portuguese dominions, or Ireland; but neither tobacco nor snuff may be imported in smaller vessels than of 120 tons, nor in casks containing less than 450 lbs. on forfeiture of the same, the ship, &c. but loose tobacco for the crew, not exceeding five pounds each person, is allowed: tobacco, if from British plantations, must be imported in British-built ships; if from United States, either in such British-built ships, or in American ships legally navigated. Tobacco and snuff can be imported only into the following ports in Great Britain, viz. London, Bristol, Liverpool, Lancaster, Cowes, Whitehaven, Hull, Port Glasgow, Greenock, Leith, and Newcastle-upon-Tyne. Tobacco of American States may in fair traffic be taken into any British West India islands, in British-built ships legally owned and navigated, and be thence imported into Great Britain. Ships wholly laden with tobacco may go into Cowes or Falmouth for order, and wait there 14 days, upon

signifying the same to the officer of the customs. No tobacco, except Spanish and Portuguese, and except snuff, may be imported in any state of manufacture. The commissioners of customs and excise are to cause all damaged and mean tobacco, upon which the importer refuses to pay duty, to be burnt, the ashes of which they are to sell, and make no allowance for the same to the proprietor.

TURKEY. See *Navigation*.

TURKEY. By 12 Car. II. c. 18, and 27 G. III. c. 19. s. 10, Goods of the growth, product, or manufacture of the Turkish or Ottoman empire are importable only in British-built ships, or in ships of the built of the country of which such goods are the produce, or of the usual ports of shipping for transportation, all legally navigated, under penalty of forfeiture of ships and goods.

VINEGAR. Vinegar is importable only in such ships as are described under the article raisins.

WHALE BONE. By 9 and 10 W. III. c. 2. s. 12, whalebone cut may not be imported otherwise than in fins only, which may be imported duty free.

WIRE. Card wire or iron wire, for making of wool cards, may not be imported for sale on forfeiture thereof, or of the value, 14 Car. II. nor any sort of iron wire smaller than fine and superfine, nor wool cards, nor any other wares made of iron ware (unless from Ireland, or wrecked, unless they fall within the denomination of French or Dutch hardware, &c.) upon forfeiture thereof.

WINES. By stat. 24 G. III. c. 47. s. 27, and 26 G. III. c. 59. s. 7, wines are not to be imported in any ship or vessel of 60 tons burthen or under, on forfeiture thereof, together with the ship, &c. except wine for the seamen, which, being added to the spirits for such seamen, do not in the whole exceed two gallons per man. N.B. Five reputed quart bottles shall be reckoned to the gallon.

By stat. 13 and 14 Car. II. c. 11. s. 23, wines imported from the Netherlands or Germany, except Rhenish wine, are forfeited, together with the ships or vessels.

By stat. 1 Anne, c. 12. s. 112, wines of the produce of Hungary may be imported from Hamburgh.

By stat. 22 G. III. c. 78. s. 2, wines of the produce

of Hungary, Austria, or Germany, may be imported from the Austrian Netherlands, or from any place belonging to Germany or Austria.

By stat. 1 G. II. c. 17. s. 78, and 17 G. III. c. 13. s. 23, 24, except of the growth of Tuscany, Turkey, the Levant, or France, are not to be imported for sale in flasks or bottles, nor in casks under 25 gallons, on forfeiture thereof, or the value.

By stat. 23 G. III. c. 11. s. 5, and 25 G. III. c. 69. s. 3, wines of the growth of Portugal, Spain, or any other country (except as above) are not to be imported for sale in any smaller cask than what is commonly called a hogshead; but such wines, fairly imported for private use, may be admitted to entry by the commissioners of the customs, though in casks of less size than hogsheads.

By stat. 27 G. III. c. 13, French wines may be imported in casks, or in bottles in packages of three dozen each, from France, or the European dominions of the French, in British or French ships, on payment of the proper duty. S. 22, 24.

French wines in bottles, being in packages of three dozen each, may be imported for private use from Guernsey, Jersey, or Alderney. *Ibid.*

By stat. 26 G. III. c. 40. s. 2, 4, 5, wines are not to be imported in any ship whatever from any place not under the dominion of Great Britain, without a manifest signed by the master, and sworn to before a British consul (if there be any one resident at such place), specifying the name, built, and tonnage of the ship, and port to which it belongs, the quantity of each sort of wines, and place where shipped, with a description of the packages, and marks and numbers thereon, on penalty of double the value thereof.

By stat. 26 G. III. c. 59. s. 4, and 35 G. III. c. 118. s. 1, are to be entered with the collectors of excise, landed, and the duty paid within twenty days after being reported, otherwise the same may be taken into the customs or excise warehouses, and if all the duties be not paid within three months, the wine may be sold for satisfying the said duties, the surplus to be paid to the proprietors, if the duties be paid within that time; and before such wines are delivered out to proprietor, he shall pay to the warehouse-keeper of customs or excise a rent of 6d. per week

week per cask, from the day of unlading to the day of delivery, with the charges of conveyance thither, over and above the duties.

By stat. 35 Geo. III. c. 118, wines unshipped or landed before all the duties are paid or secured, are forfeited; and persons assisting in the landing, or who shall conceal or knowingly receive the same after being landed, forfeit treble the value. S. 6.

WOOD. Deal boards and fir timbers may not be imported from the Netherlands; but fir timber, fir planks, masts, and deal boards, the growth of Germany, are importable from any place in Germany by British subjects only, in British built ships legally navigated. 13 and 14 Car. II. c. 11, and 6 G. I. c. 75. And, by 39 G. III. all deal boards, fir, and timber may be imported in British built ships, owned and navigated according to law, from Hamburg, Bremen, Altona, and Gluckstadt, until 1st August 1802. Masts, timber, or boards are importable from any other places in British built ships, or in British ships owned by British subjects, or in ships of the build of the same country as the goods, or of some country in Europe belonging to the sovereign of that European country of which the goods are the produce, or of the usual port of shipping for transportation, all legally navigated, otherwise they and the vessel are forfeited. 12 Car. II. c. 18, and 27 G. III. c. 19.

WOOD, from America. By 8 G. I. c. 12, (continued by subsequent acts till 29th September 1802, and thence to the end of the then next session of parliament), any sort of wood, plank, or timber whatsoever, wrought or unwrought, or any of the goods called lumber, such as deals of several sorts, timber balks of several sizes, barrel boards, clap boards, pipe boards or pipe holt, white boards for shoemakers, boom and cant spars, bow staves, capravens, clap holt, ebony wood, headings for pipes, and for hogsheds and barrels, hoops for coopers, oars, pipe and hogshedd staves, barrel staves, firkin staves, trunnels, specked wood, sweet wood, small spars, oak planks, and wainscot, being of the growth and product of any of the British plantations in America, except masts, yards, and bowsprits, may be imported by any person directly thence, in any vessels which may lawfully trade to or from the said planta-

tions or colonies, navigated according to law, free of all duties. By 11 G. III. c. 41, (passed to explain the preceding act) the liberty to import is extended, for it is enacted, that any sort of unmanufactured wood, the growth and product of any part of America, except masts, yards, and bowsprits, may be imported into Great Britain by any person, from any part of America, in British vessels navigated according to law, free of duty, if regularly entered and landed, otherwise they are to pay duty. Lignum vite is expressly included within this permission of free imports, by 1 G. II. c. 17. s. 5. During the operation, however, of the convoy duty, the above articles were subject to it. The countervailing duties payable upon importation of wood from the American States in American vessels will be found under the article *American States*.

IMPOST, a duty on the importation of an article into a state or kingdom. See *Customs*.

IMPRESSING. The power of the admiralty for that purpose has been uniformly continued from a very early period to the present time, although no statute has expressly declared this power to be in the crown, though many of them very strongly imply it. The stat. 2 Rich. II. c. 4, speaks of mariners being arrested and detained for the king's service as of a thing well known and practised without any dispute, and provides a remedy against their running away; and it has been determined, in the matter of Rowland Philips, who was indicted for murder, that if an officer, in an impress, fire with a musket, as is usual in the navy, to hit the halyards of any vessel, in order to bring her to, and by that he chances to kill a man, this is not murder but manslaughter. In the case of the *King v. Jubbs*, Lord Mansfield said, "that the power of pressing is founded upon immemorial usage, allowed for ages. If it be so founded and allowed for ages, it can have no ground to stand upon, nor can it be vindicated or justified by any reason but the safety of the state; and though the practice is deduced from that trite maxim of the constitutional law of England, 'that private mischief had better be submitted to than public detriment and inconvenience should ensue,' and though it be a legal power, it may, like many others, be abused in the exercise of it." *Cowp. 517*. The de-

fendant having been brought up by *habeas corpus*, upon the ground that he was entitled to an exemption, the court held that the exception was not made out, and he was remanded to the ship from which he had been brought.

Lord Kenyon has also declared, in a similar case, that the right of pressing is founded on the common law, and extends to all persons exercising employments in the seafaring line; any exemption, therefore, which such persons may claim, must depend upon the positive provisions of statutes.

By stat. 2 and 3 Ph. and M. c. 16, if any waterman shall hide himself during the execution of any commission of impress for the king's service, he is liable to heavy penalties; for by *Foster's Rep.* 154. the king is empowered to grant commissions for that purpose. By stat. 5 Eliz. c. 5, no fisherman shall be taken by the queen's commission to serve as a mariner, &c. but the commission shall be first brought to two justices of the peace inhabiting near the sea-coast where the mariners are to be taken, to the intent that the justices may chuse out and return such a number of able-bodied men as in the commission are contained to serve her majesty: and by others special protection is allowed to seamen and landmen in particular cases, to prevent them from being impressed. Ferry-men are also said to be privileged from being impressed, 5 T. R. 277; and also the following persons are exempted, by 6 and 7 W. III. c. 11. s. 12, from being impressed: Two able seamen for every ship of 100 tons, and one for every 50 tons for every ship of 100 tons and upwards, to be nominated by the master before a mayor or chief magistrate, who is to give the master a certificate, in which are to be contained the names of the men he thus nominates, and this certificate will be their protection. 5 T. R. 417.

And every officer, after such certificate obtained, who shall impress any such seaman, he shall forfeit 10l. to the owner or master of such vessel, and such officer shall be incapable of holding any place, office, or employment in any of his majesty's ships of war. By stat. 2 and 3 Anne, c. 6. s. 4, all parish apprentices, until they arrive at the age of 18 years, and by 2 and 3 Anne, c. 6. s. 15, 4 Anne, c. 19. s. 17, and 13 G. II. c. 17. s. 1, 2, all apprentices, for three

years from the date of their indentures, except persons above the age of 18 years, who have been to sea before they became apprentices, and all under 18 years of age, and above 55, foreigners in merchant ships and privateers, and landmen betaking themselves to sea for three years, who upon proof of the circumstances and respective ages, upon application to the admiralty, will receive protections without any fee. By stat. 2 G. III. c. 15. s. 23, 24, all persons coming under the following description, employed in the fisheries of these kingdoms: masters of vessels or boats, who either themselves or their owners have, or within six months before applying for protection shall have had one apprentice or more under 16 years of age, bound for five years, and employed in the business of fishing on the coast, or in any of the rivers; four apprentices to every master or owner of any fishing vessel of 30 tons or upwards, and two to every vessel or boat under 30 tons, during the term of their apprenticeship, and until the age of 20 years, provided they continue during the time in the business of fishing only; one mariner, besides the master and apprentice, to every fishing vessel of ten tons or upwards, employed on the sea coast, during his continuance in such vessel, and all landmen employed on board such vessel, for two years from his first going to sea, and to the end of the voyage he engages in, if he so long continue in such service.

An affidavit being made and laid before the admiralty, that the person therein named and described comes within some of the above descriptions, inserting the tonnage of the vessel, and port she belongs to, the name and description of the master, the age of every such apprentice, the term he is bound for, with the date of his indenture, and the name and description of every such mariner and landman, and the time of every such landman's first going to sea, the admiralty, unless they have cause to doubt the truth of such affidavit, will grant, without any fee, a separate protection to every such person; and if any person so protected shall be impressed (except in case of an actual invasion of these kingdoms, or imminent danger thereof, and signified by some order of his majesty or his privy council to the lords of the admiralty) and retained after producing such protection, the officer who detains him shall forfeit 20l. to the



the party injured, not being an apprentice; and if an apprentice, then to his master.

By 25 G. III. c. 50. s. 25, and 32 G. III. c. 22. s. 5, Harpooners, line managers, or boat steerers, belonging to any vessel fitted out to the southern whale fishery, seamen in the Greenland fishery, harpooners, line managers, or boat steerers, during the interval of the fishing season in the coal-trade, giving security to go to the fishing next season, shall be exempt from being impressed from the 1st day of February in every year until after the expiration of the then next season, and until the voyage home be completed. In order to protect the above persons employed in the Greenland fisheries, it is necessary that the owner of every ship should deliver on oath to the collector of the customs at the port to which such ship belongs, a list of the persons, distinguishing the capacity in which each is to act. But these protections do not extend to more than six harpooners to every ship of 400 tons, and so in proportion for any less tonnage.

In order to obtain protection for seamen, the following particulars must be stated:

Protection for seamen—the number of men and boys on board, the ship's name, the port she belongs to, her tonnage, whither bound, on what service employed, viz. whether coasting, fishery, &c. and lastly, name of the master.

For protections for ship-builders, rope makers, &c. it is necessary to mention the number of men of each description whom it is intended to protect, together with the name of the person by whom they are employed.

For protections pursuant to act of parliament, such as apprentices, men above the age of 55, or under 18, landmen, foreigners, &c. there must be a certificate of their baptism, &c. and affidavit of themselves and masters of the vessels to which they belong of the truth thereof. For apprentices the indenture is necessary, that the affidavits may be compared therewith, and the indenture marked.

No fee is paid to the admiralty office for protections.

**IMPRISONMENT**, the restraint of a man's liberty under the custody of another. The confinement of the person in anywise is an imprisonment, so that the keeping a man against his will in a private house,

putting him in the cage, arresting or forcibly detaining him in the street, is an imprisonment. All imprisonment must be according to law, or the custom of England, or by process and course of law; and no person is to be imprisoned but as the law directs, either by command and order of a court of record, or by lawful warrant, or the king's writ, by which a person may be lawfully detained to answer the law.

By stat. 3 Car. I. no freeman shall be imprisoned or detained without cause shewn, to which he may make answer according to law. By 16 Car. I. c. 10, if any person be restrained of his liberty by order or decree of any illegal court, or by command of the king's majesty in person, or by warrant of the council board, or any of the privy council; he shall, upon demand of his counsel, have a writ of *habeas corpus*, to bring his body before the court of King's Bench or Common Pleas, who shall determine whether the cause of his commitment be just, and thereupon do as to justice shall appertain. By 1 W. and M. st. 2. c. 2, in cases where bail or sureties is and ought to be taken, excessive bail ought not to be required for a prisoner's appearance.

By stat. 43 Eliz. c. 13, to carry any one by force out of the four northern counties, or imprison him within the same, in order to ransom him, or make spoil of his person or goods, is felony without benefit of clergy, in the principals and all accessaries before the fact.

Until the year 1697, that is, nine years after the revolution, imprisonment for debt was shamefully evaded by debtors retiring to privileged places. The statutes 8 and 9 of king William, chap. 26, suppressed the undermentioned: that in the Minorities; those in and near Fleet Street, as Salisbury Court, White Friars, Ram Alley, Mitre Court, Fulwood's Rents, Baldwin's Gardens, Gray's Inn Lane, the Savoy; and in Southwark, Montague's Close, Deadman's Place, the Check, and the Mint. The Mint, however, continued to be considered as an asylum for debtors, and was not finally suppressed till the reign of George the First. See *Arrest*.

**INCH OF CANDLE**. When goods are exposed to sale this way, a small piece of wax candle about an inch long is burning, and the last bidder, when the candle goes out, is entitled to the lot or parcel exposed.

posed. If any difference happens in adjusting to whom a lot belongs, where several bid together, the lot is put up again, and the last bidder is bound to stand to the bargain, and take the lot whether good or bad. In these cases, the goods are set up at a certain price; and no person shall bid less than a specific sum more than another.

**INDEMNITY** is an agreement to save harmless from all damage or danger that may result from any particular transaction: thus, insuring any person against a risk, perils of the sea, or fire, is termed a contract of indemnity against these risks respectively. See *Insurance*.

**INDIA, or the EAST INDIES**, an extensive region in Asia, which lies between 66 and 93 degrees E. long. and 7 and 35 degrees N. latitude. In this is included a variety of nations and countries; but the name of India is applied properly only to what is known by the name of Hindoostan, and to the islands extending thence as far east as New Guinea, and from the bay of Bengal and the China Sea as far south as New Holland, from the Maldives on the west to the Moluccas on the east, and including the large and rich islands of Ceylon, Sumatra, Java, Borneo, Celebes, &c.; severally described under their proper heads, which see; and see also *Hindostan, Coromandel, Bengal*.

**INDIES, WEST**, the name given to the islands of North America, otherwise called the Antilles, lying between 59 and 85 degrees of W. longitude, and 10 and 28 degrees of N. latitude, and extending across the entrance of the gulph of Mexico from the Bahama islands on the north to Trinidad on the south, and from Barbadoes on the east to Cuba on the west. They are distinguished by navigators into windward and leeward islands, according to situation; and the southernmost part of them, that is to say, those lying between Porto Rico and Tobago, are also called Caribbee Islands, from the aborigines of the country, which are, however, now nearly extinct, a few of them only having continued their race in the island of St. Vincent, and of these the greatest part have been, within these few years, either destroyed or banished to Nova Scotia, in consequence of their *rebellions*. See a description of the several islands under their respective heads.

**INDIA COMPANY.** See *East India Company*.

**INDORSEMENT** is that act by which the holder of a bill of exchange, or promissory note payable to order, transfers such instrument, and his interest therein, to some other person, who is then termed *the indorsee*, and who, by such transfer or assignment, renders himself responsible for presenting such instrument, and using all due diligence to obtain payment of the acceptor or maker. It is customary also to indorse the receipt of the consideration money upon a deed; or an assignment of a lease may sometimes be made by indorsement. See *Bills of Exchange, Deeds*.

**INFANTS** are persons under 21 years of age, whose acts are either void or voidable.

Infants are disabled to contract for any thing but necessities for their person, suitable to their degree and quality. *Co. Lit.* 172. And what is necessary must be left to the jury.

An infant knowing of a fraud, shall be as much bound as if of age; *Clerk v. Earl of Bedford*, 13 *Viner* Abr. 536. But it is held, that this rule is confined to such acts only as are voidable, and that a warrant of attorney given by an infant being absolutely void, the court will not confirm it, though the infant appeared to have given it knowing it was not good, and for the purpose of collusion.

As to acts of infants being void, or only voidable, there is a diversity between an actual delivery of the thing contracted for, and a bare agreement to deliver it; the first is voidable, but the last absolutely void.

As necessities for an infant's wife are necessities for him, he is chargeable for them, unless provided before marriage; in which case he is not answerable, though she wore them afterwards. *Turner v. Tustby*, 1 *Str.* 168.

An infant is also liable for the nursing of his lawful child.

Where goods are furnished to the son, he is himself liable if they are necessities. If tradesmen deal with him, and he undertakes to pay them, they must resort to him for payment; but if they furnished the infant on the credit of his father, the father only is liable. 2 *Esp.* 471.

With respect to education, &c. infants may be charged, where the credit was given *bona fide* to them. But where the infant is under the parents' power, and living

living in the house with them, he shall not be liable even for necessities. 2 *Black. Rep.* 1325.

If a taylor trusts a young man under age for cloaths to an extravagant degree, he cannot recover; and he is bound to know whether he deals at the same time with any other taylor. 1 *Esp. Rep.* 212.

If one lends money to an infant to pay a debt for necessities, and he do pay it, although he is not bound in law, it is said he is in equity; but, if the infant misapply the money, it is at the peril of the lender.

A promissory note given by an infant for board and lodging, and for teaching him a trade, is valid, and will support an action for the money. 1 *T. R.* 41.

And debts contracted during infancy, are good considerations to support a promise made to them when a person is of full age; but the promise must be express.

A bond without penalty for necessities will bind an infant, but not a bond with a penalty. *Esp. Rep.* 164.

Legacies to infants cannot be paid either to them or their parents.

By stat. 36 G. III. c. 52, if by reason of infancy or absence legacies cannot be paid, the money may be paid into the bank, and laid out in 3 per cents.; and if such money be improperly paid in, the chancery may dispose thereof.

An infant cannot be a juror, neither can he be an attorney, bailiff, factor, or receiver. *Co. Lit.* 172. *Cro. Eliz.* 637.

By the custom of London, an infant unmarried, and above the age of 14, if under 21, may bind himself apprentice to a freeman of London, by indenture with proper covenants, which covenants, by the custom of London, will be as binding as if of age.

No time is fixed in which infants are excluded from being witnesses, it depending in a great measure on the sense and understanding of the infant, as it shall appear on examination in court. *Bull. N. P.* 293.

If an infant, being master of a ship, by contract with another, undertakes to carry certain goods from one port to another, and there to deliver them, but does not afterwards deliver them according to agreement, but wastes and consumes them, he may be

sued for the goods in the court of admiralty, though he be an infant; for this suit is but in nature of a detinue, or trover and conversion at the common law. 1 *Rel. Abr.* 530.

If an infant draws a bill of exchange, yet he shall not be liable on the custom of merchants; but he may plead infancy in the same manner as he may to any other contract.

An infant cannot be sued but under the protection and joining the name of his guardian; but he may sue either by his guardian, or his next friend who is not his guardian. *Co. Lit.* 135.

If an infant be a mercer, and hath a shop in a town, and there buys and sells, and contracts to pay a certain sum to J. S. for wares sold to him by J. S. to resell; yet he is not chargeable upon the contract: for this trading is not immediately necessary; and, if this were allowed, infants might be infinitely prejudiced. 1 *Rel. Abr.* 729. 2 *Rel. Rep.* 45.

An action on an account stated will not lie against an infant, though it be for necessities. *Co. Lit.* 172. *Noy.* 87. 1 *T. R.* 40. See *Apprentices, Awards, &c.*

INLAND BILLS. See *Bills, Bank, &c.*

INLAND TRADE. See *Trade.*

INNKEEPERS. See *Travellers.*

INSOLVENT. See *Bankrupt.*

INSOLVENT DEBTORS. Insolvent acts are statutes passed for the purpose of releasing from prison, and sometimes their debts, persons whose transactions have not been of such a nature as would subject them to the bankrupt laws. Their discharge is usually from all suits and imprisonment, upon delivering up all their estates and effects, real and personal, for the benefit of their creditors.

By the last act, 41 Geo. III. c. 4, it extended to persons in custody on the 1st day of March 1801, whose debts did not exceed the sum of 1500l.; but this act does not discharge the future effects of the debtor.

By the 6th section, persons under bail on or before the said 1st day of March 1801 were considered as in custody, and entitled to all benefit.

INSBRUCK, the capital of Tyrol, situated in a pleasant valley on the Inn, in E. long. 11 deg. 27 min. and N. lat. 54 deg. 40 min. Here are manufactured, a quantity

a quantity of black caps, both of silk and of thread ; also gloves, and glass. Its principal productions are wine, salt, and various minerals, which procure the inhabitants considerable commerce, especially as their town is the passage from Augsbourg into Italy.

**INSTALLMENT** denotes either the payment or the time appointed for payment of different portions of a sum of money, which, by agreement of the parties, instead of being payable in the gross at one time, is to be paid in certain parts, and at certain times, such as are frequently specified in conditions to bonds, &c. or defeazances, or warrants of attorney to confess judgments.

**INSURANCE BROKER.** See *Broker and Insurance.*

**INSURANCE, MARINE.** Insurance is a contract of indemnity, whereby the party, in consideration of a stipulated sum, undertakes to indemnify the other against certain specific perils or risks to which he is exposed, or against the occurrence of such events. The party who takes on himself the risk is called the *insurer*; the party protected by the insurance is called the *insured*; the sum paid to the insurer as the price of this risk is called the *premium*, and the written instrument, in which the contract is set forth and reduced into form, is called a *policy of insurance*.

The aim and intention of insurance of every species, whether against risk at sea, fire, or on lives, is to subdivide casual calamity, so far as it relates to loss in value, and may be measured by money. By this means merchants and individuals insuring, in consequence of submitting to pay a small sum certain on all hazardous transactions, are secure of indemnity or reimbursement in case of loss. From this invention the most beneficial consequences arise, as pecuniary loss, when subdivided to a certain degree, ceases to deserve the name of calamity. Such is the advantage to the insured. The insurers, on the other hand, who undertake the risk for a small certain gain, are divided into two classes: they are either wealthy joint-stock companies, running a great number of heavy risks, the certain income on the whole compensating the chance of loss on any individual transactions; or they consist of individuals who, by running a great number of small risks, calculate that, on the whole, the chance is in their favour.

On the one side, the insured pays a price to secure

himself from risk; on the other, the insurer receives a premium to accept of the risk; but in that case he reduces the individual risks nearly to a certainty, by the great number of chances which he (the same person) runs.

The insured calculates very wisely, that his business is to be secured from any loss that might bring on his ruin, or materially injure his fortune; and the insurer, that a great number of similar risks amounts nearly to a certain loss; and if therefore paid a premium, that will indemnify them for this certain loss, and leave some profit, it becomes an advantageous speculation.

The rate of insurance, in all cases, is founded on past experience, and is regulated by calculations of chances.

The first mention made of insurance against loss at sea, according to Anderson, was in 1560, though only first practised in London in 1601, in the last days of Queen Elizabeth; vol. ii. page 109. Malynes says, in his *Lex Mercatoria*, that at Antwerp, in 1622, which was then in its meridian glory, all policies mentioned that it should be in all things concerning the said assurances as was accustomed to be done in Lombard-street, in London; so that if this country was not the first in this invention, it soon carried it to a superior degree of perfection, which it required genius, probity, and industry to effect. Perhaps, in the annals of the country, nothing is more creditable to the character of our English merchants than their having so soon been considered as worthy to become the example to others, in one of the most intricate transactions that exists between man and man.

Marine insurance is made for the protection of persons having an interest in ships or goods on board from the loss or damage which may happen from the perils of the sea, during a certain voyage, or for a fixed period of time.

The law of insurance is considered as a branch of marine law, and was borrowed by us from the Lombards, who first introduced the use of this contract into England; it is also a branch of the *law of merchants*, being found in the practice of merchants, which is nearly the same in all countries where insurance is in use; and, indeed, merchants themselves



were, for a long time, its only expounders. The law of merchants not being founded in the particular institutions or local customs of any particular country, but consisting of certain principles which general convenience has established to regulate the dealings of merchants with each other in all countries, may be considered as a branch of public law.

*Of parties to the contract.* In this country all persons, whether British subjects or aliens, may in general be insured; the only exception is in the case of an alien enemy.

If a policy be not illegal on the face of it, the court will not grant a new trial, to let in the defendant to shew by evidence that the insurance was upon a trading with the enemy. *Giit v. Mason*, 1 T. R. 84.

An alien enemy cannot maintain an action on a policy on goods, though they were shipped before the war commenced: nor can an agent of such insured maintain the action, though he be a creditor of the insured for more than the sum insured. *Brandon v. Nesbitt*, 6 T. R. 23.

Neither can an action be maintained on a policy on the property of an alien enemy, though of British manufacture, exported hence. *Bristow v. Towdles*, 6 T. R. 35. But a neutral resident in the enemy's country, and carrying on trade there in partnership with an alien enemy, may insure his interest in the joint property. *Rotch v. Edie*, 6 T. R. 413. Ins. C. 12. s. 14.

At common law, any man or company of men might have been insurers: and individuals, upon their own separate account, have still the same right; but commerce having suffered considerably by persons in insolvent circumstances underwriting policies of insurance, it was thought expedient to establish two companies for the purpose of making marine insurances, with sufficient funds to answer all demands on their policies; still, however, leaving the merchants to the option of insuring with individual underwriters when they thought proper. To this end the stat. 6 G. I. c. 18, authorized the king to grant charters to two distinct companies or corporations, called the Royal Exchange Assurance and London Assurance, for the insurance of ships, goods, and merchandizes at sea, or going to sea, and for lending money on bottomry. They are invested with all the

powers usually granted to corporations, and the privilege of purchasing lands to the amount of 1000l. per annum each, to provide a sufficient capital to insure all demands on their policies. All other companies are restrained from insuring ships and goods at sea, or lending money on bottomry. And all policies made by any other such corporation shall be void, and the sums underwritten forfeited, and all bottomry bonds deemed usurious; but the right of individual insurers continues as before the act. The privileges of the East India and South Sea companies are reserved and secured to them, except as to the insurance of ships and merchandizes. Contracts made in derogation of the rights of the insurance companies, are illegal and void. *Mitchel v. Cockburn*, 2 H. Black. 379. *Sullivan v. Greaves*, Park. 8. Nor can the ostensible underwriter, on the ground that the partnership was illegal, recover from the broker the profits of such partnership insurance. *Booth v. Hogson*, 6 T. R. 405.

Though such contracts are void, as between the secret partners, they are not so as between the underwriter and an innocent insured. Yet insurances may be legally made upon a joint capital, provided each subscriber be not liable for the whole. *Harrison v. Millan*, at N. P. after Mich. 1796. 7 T. R. 340. n. *East. R.* 513.

But if all the members agree to make good the deficiency in case any become insolvent, the agreement is void.

*Subjects of insurance.* Ships, freight, goods, and merchandizes, &c. are the proper subjects of marine insurance; and there are certain articles, which, from motives of public policy, cannot be legally insured in this country, and others which can only be insured under particular restrictions.

The insurance of warlike stores sent to the king's enemies is criminal and void. An insurance on any trade, carried on in contravention of an embargo laid by the king, is void. A neutral ship obtains a cargo of provisions in Ireland after an embargo laid, and takes clearances for a neutral country, but sail for an enemy's port, and is taken. This being an illegal traffic the policy is void. *Delmada v. Mactour*, B. R. M. 25 G. III. Park. 234. If all intercourse with a British colony be prohibited, an insurance on goods

intended to be carried thither is illegal and void. *Johnson v. Sutton*, Doug. 254. An insurance cannot be made on provisions sent in a neutral ship to a British colony while in the hands of an enemy. *Gist v. Mazon*, 1 T. R. 84. No British subject can trade with the enemy without a licence. Goods purchased of the enemy cannot be insured. An insurance was made on the ship, and goods on board; and this, in the policy, was declared to be "on the profit expected to arise on the cargo, in the event of the ship's safe arrival." It was proved at the trial that the plaintiff had a reasonable expectation of profit upon a cargo of molasses, to be used by him in the manufacture of spruce beer, to supply the army in Canada, for which he had a contract with government, and this was held to be an insurable interest. *Grant v. Parkinson*, Park. 267. In a recent case upon the profits of a voyage, the objection in point of law was, that it came within the description of wagering policies. The court however determined, upon argument, that it was an insurable interest. *Bartley v. Cussons*, Sittings K. B. Trinity, 42 G. III.

In estimating a total loss on goods insured by an open policy, it has been the uniform practice, to add to the prime cost all duties and expences, together with the premium of insurance; and the amount of these has always been held to be a full indemnity; nor is there any instance of profit being avowedly added, even where the loss has happened at the port of delivery.

*Insurable interests.* Insurance being a contract of indemnity from loss or damage, arising upon an uncertain event, there cannot be an indemnity without a loss, nor a loss without an interest; a policy, therefore, without interest, is not an insurance, but a mere wager.

Different persons, having each a qualified property in goods, may insure them to the full value. *Smith v. Lascelles*, 2 T. R. 188.

A reasonable expectation of profit, or a well-founded expectation of a future interest in the thing insured, is an insurable interest.

Trustees, having the disposal of ships and goods, according to the directions they may receive from third persons, may insure. Commissioners authorized by statute to take into their care all Dutch

ships, &c. detained in British ports, and to dispose thereof, according to directions from the privy council, may insure in their own names such ships, after seizure at sea, and while they are on their passage to England. *Cransford and others v. Hunter*, 8 T. R. 13. A trustee, a consignee, or an agent for prizes, may insure. The captain, who makes a capture, may insure his prize. A mere *cestui que trust* of goods, without any legal title, may insure. *Hill v. Secoratan*, 1 Pul. & Ber. 315.

A general agent, to whom a consignment devolves in consequence of the consignee's refusal to take the goods, may insure them as agent for the consignor, or in his own right, if he accepted bills on account of them. Freight can only be due from the legal owner of the ship, therefore he only can insure it. No person can have either a legal or equitable title to a ship, unless he be named in the register. The lender upon bottomry and respondentia has an insurable interest for the sums lent. The owner of the ship or goods has only an insurable interest in the surplus value above the sum lent. But the usage of trade may take a case out of this rule upon an insurance on goods, specie, and effects. In the India trade, the insured may recover for money laid out for the use of the ship, and for which he charged respondentia interest, it being the usage of the trade to insure in this form. *Gregory v. Christie*, B. R. Term, 24 G. III. 2 Park.

*Wager policy.* This is usually conceived in the terms, "interest or no interest," or, "without further proof of interest than the policy," to preclude all inquiry into the interest of the insured; and as a consequence of the insured's having no interest in the pretended subject of the policy, it follows, that the insurer cannot be liable for any partial loss. A partial loss is not an event sufficiently defined and accurate to be the criterion of a wager, and nothing but that sort of misfortune which is considered as amounting to total loss can decide it. The parties mean to play for the whole stake, and when the underwriter pays a loss, he cannot, as in the case of an insurance upon interest, claim any benefit from what may have been saved. To preclude all claim of that sort the words, "free of average and without benefit of salvage," are always introduced into wager policies.

In several cases wager policies have been held to be good, but the stat. 19 G. II. c. 37, has imposed some wholesome restrictions upon it, by enacting, "That no insurance shall be made on any ship or ships belonging to his majesty, or any of his subjects, or any goods or effects laden on board such ships, interest or no interest, or without further proof of interest than the policy, or by way of gaming or wagering, or without benefit of salvage to the insurer, and that every such insurance shall be void. But by s. 2 it is provided, that insurances on private ships of war, fitted out by any of his majesty's subjects, solely to cruise against his enemies, may be made by or for the owners thereof, interest or no interest, free of average, and without benefit of salvage to the insurer." S. 1. And by s. 3 it is also provided, "That any effects from any port or places in Europe or America, in the possession of the crowns of Spain or Portugal, may be insured in the same manner as if this act had not been made." By s. 5, "all sums of money lent on bottomry or respondentia, upon ships belonging to his majesty's subjects, bound to or from the East Indies, shall be lent only on the ship, or on the merchandize or effects on board, or to be laden on board, and shall be so expressed in the condition of the bond, and the benefit of salvage shall be allowed to the lender, his agents or assigns, who alone shall have a right to make insurance on the money so lent, and the borrower shall recover no more on any insurance than the value of his interest in the ship, or in the goods on board, exclusive of the money so borrowed; and in case it shall appear that the value of his share in the ship, or in the goods on board, doth not amount to the sum borrowed, he shall be responsible to the lender for so much of the money borrowed as he hath not laid out in the ship or goods on board, with interest for the same, together with the insurance and all other charges thereon, in the proportion which the money not laid out shall bear to the whole money lent, notwithstanding the ship and goods be totally lost." And by s. 6, "In all actions brought by the insured, the plaintiff, or his attorney or agent, shall, within fifteen days after he shall be required so to do in writing, by the defendant or his attorney or agent, declare in writing what sum or sums he hath insured or caused to be insured in the

whole, and what sums he hath borrowed at respondentia or bottomry, for the voyage or any part of the voyage in question."

The regulations and restrictions of this statute, being confined to insurances on ships belonging to his majesty and his subjects, and to goods and effects laden thereon, insurances upon the ships and goods of foreigners are not within the act, but remain the same as before the passing it. *Thelluon v. Fletcher, Doug.* 304.

An insurance cannot be made upon one thing to depend upon the fate of another, if the subject matter of an insurance be unconnected with the event insured against the policy. *Kemp v. Vigne, 1 T. R.* 304. In wager policies the insured takes upon himself to perform all that the owner could have done.

A policy "without further proof of interest than the policy," is good within the act, *Da Costa v. Frith, 4 Burr.* 1966. A small interest will not take a case out of the statute: thus, an agreement in consideration of 20l. to pay 1000l., if a ship did not save her passage to China, was held a wager insurance within the act, though the party had some goods on board. *Kent v. Bird, Cowp.* 583.

In a valued policy, the proper effect of the valuation is the fixing the amount of the prime cost, in the same manner as if the parties had admitted it at a trial; but for every other purpose, it must be taken that the value was fixed in such a manner, as that the insured meant to have an indemnity and no more. The practice of permitting the insured on a valued policy to recover the whole sum insured upon a total loss, though his interest be less than that sum, is against this stat. A valued policy on profits expected upon a voyage, is not within the act, the object of the insurance being an indemnity. *Grant v. Parkinson, M.* 22 G. III. B. R. M. S. So a valued policy on a commission expected as consignee of a cargo, is not a wager. *Flint v. Le Mesurier, at N. P.* after Hill. 1796, *Park.* 268.

*Re-insurance.* A policy of insurance being once signed, the underwriters are bound by the terms of it, nor can they be released from their contract without the consent of the insured. But an underwriter may shift it, or part of it, from himself to in-

surers,

surers, by causing a re-insurance to be made on the same risk, and the new insurers will be responsible to him in case of loss, to the amount of the re-insurance. But the re-insurer is only responsible to the original insurer and not to the original insured.

Thus stands the law on this subject in most of the states of Europe; but in England, by the 19 G. II. c. 37. s. 4, re-insurances are prohibited except in case of the insolvency or death of the original insurer. This has been held to extend not only to British, but also to foreign ships. *Andree v. Fletcher*, 2 T. R. 161.

*Double insurance* is where the insured makes two insurances on the same risk and the same interest. A double insurance, though it be made with a view to a double satisfaction in case of loss, and is therefore in nature of a wager, is not void. The two policies are considered as making but one insurance; they are good to the extent of the value of the effects put in risk; but the insured shall not be permitted to recover a double satisfaction. He may sue the underwriters on both the policies; but he can only recover the real amount of his loss, to which all the underwriters shall contribute in proportion to their several subscriptions; and therefore, if he should content himself with suing only on one of the policies, the underwriters on that policy may recover a rateable contribution from those on the other. *Davis v. Giddart*, at N. P. aft. East. 17 G. III.

Though only a single satisfaction can be recovered on a double insurance by the same person, yet different persons may insure the same thing, and each recover the full value of the thing insured. *Gallin & al. v. Lond. Assur. i Bur.* 489. 1 Bl. 103. If the whole loss be recovered from one insurer, he ought to stand in the place of the insured to receive contribution from the others. But various persons may insure various interests on the same bottom.

*Of the voyage.* It may be laid down as a general rule, that no insurance can be legally made upon any voyage undertaken contrary to the laws of this kingdom, or to those of its dependencies, or to the law of nations, and it is immaterial whether the insurer was or was not informed that the voyage was illegal. An insurance, therefore, upon a voyage undertaken contrary to the navigation laws is void. So if it be

upon a voyage prohibited by the laws made for the protection of the monopoly of the East India Company.

But under the American treaty, confirmed by the stat. 37 G. III. c. 97, which allows the citizens of the United States of America to trade to the British territories in the East Indies, it is not necessary that the trade be carried on between America and India direct, but it may be carried on circuitously, by way of Europe. *Wilson v. Maryat*, 8 T. R. 31.

If an integral voyage be, in any respect, illegal in its commencement, no insurance can be legally effected on any part of it, though such part, taken by itself, would be legal.

*Risks against which insurances may be made.* Insurances may be made against all the risks or perils which are incident to sea voyages, subject however to certain exceptions founded in public policy and the interests of humanity, which require that in certain cases, men shall not be permitted to protect themselves against some particular perils of insurance. But an insurer cannot make himself answerable for a loss proceeding from the fault of the insured. No insurance can be made, even against the perils of the sea, upon illegal commerce.

The words of an English policy, which specify the various risks against which insurances are usually made, are these. "Touching the adventures and perils which we the insurers are contented to bear, and do take upon us in this voyage, they are of the seas, men of war, fires, enemies, pirates, rovers, thieves, jettisons, letters of mart and counter mart, surprizals, takings at sea, arrests, distrainments and detainment of all kings, princes and people of what nation, condition, or quality soever, barratry of the masters and mariners, and of all other perils, losses, and misfortunes, and have or shall come to the hurt, detriment, or damage of the said goods and merchandize, and ship, &c. or any part thereof, without prejudice to this insurance."

In order to confine insurances against real and important losses arising from the perils of the sea, and to obviate disputes respecting losses from the perishable quality of the goods insured, and all trivial subjects of litigation, it appears to be the general law of all maritime states that the insurer shall not be liable for



any average loss, unless it exceed one per cent. independent of which a clause has been introduced into the policies of most countries, by which it is stipulated that the insurer shall not be liable for any partial loss under a given rate per cent. In England it is now constantly stipulated in all policies, that upon certain enumerated articles the insurer shall not be answerable for any partial loss whatever; that upon certain others, liable to partial injuries, but less difficult to be preserved at sea, he shall only be liable for partial losses above five per cent. ; and that, as to all other goods, and also the ship and freight, he shall only be liable for partial losses above three per cent. This change was first introduced in 1749, to save the necessity of adapting the premium to the nature of the commodity. But the insurer is liable for the losses, however small, called general average, and losses occasioned by the stranding of the ship.

In the common policies, used in London by private underwriters, the memorandum runs thus :

" N. B. Corn, fish, salt, fruit, flour and seed, are warranted free from average, unless general, or the ship be stranded. Sugar, tobacco, hemp, flax, hides, and skins, are warranted free from average under five per cent. ; and all other goods, also the ship and freight, are warranted free from average under three per cent., unless general, or the ship be stranded."

This form of the memorandum was generally used, not only by private underwriters, but also by the two insurance companies, till the year 1754, when a case occurred on a policy on corn, where the ship being stranded, the insured recovered a partial loss to the amount of about 80l. per cent. Lord C. J. Ryder and a special jury, considering the words " free from average, unless general, or the ship be stranded," as a condition, and holding that by the ship's being stranded, the insured was let in to prove his whole partial loss. *Cantillon v. London Assurance*, cited 3 Burr. 1553.

Many questions have arisen on the words " free from average, unless general, or the ship be stranded." The word *unless* has been held to make an exception, not a condition. *Wilson v. Smith*, 3 Burr. 1550. *Mason v. Murray*, Park. 116.

If the articles for which the insured is warranted to be free of average, except general, specifically re-

main after the voyage, though by sea damage they are rendered of no value, yet if the ship has not been stranded, this is only a partial loss, for which the insurer is not liable. *Cocking v. Frater*, B. R. East. 25 C. III. M. S.

The insurer has never been held liable but for a total loss upon the enumerated articles; if the ship be stranded, the insured may recover for any partial loss, though it did not arise from the stranding; the memorandum controuls the general words of the policy, as far as it extends. But upon a stranding taking place, the articles mentioned in the memorandum are put in the same situation as any other commodity, and the insurer becomes liable for all damage sustained by them, though not arising from the stranding. *Nesbit v. Lushington*, 4 T. R. 783.

The meaning of the memorandum is, that in no case the insurer shall be liable for any partial loss on the articles enumerated, unless it be a general average or the ship stranded, and he shall be liable for no other loss, though it be of a nature to which any other commodity is equally liable. A loss by stranding must be an immediate, not a remote consequence of the stranding to be within the memorandum.

If the ship be not stranded, the insured cannot recover for any partial loss, however great, but only for a total loss, *M'Andrews v. Vaughan*, at N. P. after Mich. 1793. Park 114. To recover in such case as for a total loss, the voyage must either have been lost, or the goods wholly destroyed. It has invariably been held, that the voyage must either have been lost, or the cargo, if it be one of the articles mentioned in the memorandum, must be wholly and actually destroyed, to entitle the insured to recover.

It is now settled, that if the ship be stranded, the insurer is liable for any partial loss in any of the articles in the memorandum, though such loss did not arise from the stranding, but from some other cause. *Burnett v. Kensington*, 7 T. R. 210. S. C. *Exp. Rep.* 416.

Notwithstanding the number of cases which have been decided upon the construction of the memorandum, it still remains a question, whether the partial losses, from which the insurer is excepted by it, comprehend the total loss of any entire individual, as well as a partial injury to the whole of the species of goods

goods excepted by the memorandum from average losses.

If any loss or damage happen to the goods from any fault or defect of the ship, not arising from the violence of the wind or sea, or from any accident or misfortune in the voyage, but from some latent defect before she sailed, the owner of the goods has his remedy against the owner of the ship for such loss or damage; and the insurer, in such case, is not liable, because, in every contract of insurance, there is an implied warranty, that the ship is *sea-worthy*; and if it appear that she was not so, the contract is void.

If a number of persons enter a ship under pretence of being a press-gang, and with violence rob the ship of goods on board, the master shall answer for these goods, though he had taken all proper precautions to secure the goods, and though he was unable to resist the robbers. *Morse v. Sler, Molloy*, B. 2. C. 2.

If a loss happens in the shipping or landing of goods, by the fault of the master or crew, or the defect of the ship's tackle, the owners and the master are each liable.

The stat. 26 G. III. c. 86, limits the liability of the owners to the value of the ship and freight, though the master or mariners should not be privy to any robbery, &c. nor answerable for any loss or damage occasioned by fire on board; nor shall the master or owners be liable for the loss of any gold, silver, jewels, &c. by means of any robbery, &c. unless the shipper insert in the bill of lading, or otherwise declare, the quality and value thereof.

The insurers, as well as the owners, are liable under the policy for losses occasioned by external thefts, and the proprietors of the goods so stolen, or in his name, the insurers, may recover against the owners, *Harford v. Maynard*, Hil. Vac. 1785. *Park* 25.

*Duration of the risk.* To charge the insurer, it is not enough that a loss has happened at sea, it must appear to have happened in the course of the voyage, and during the continuance of the risk insured. Upon goods, the risk does not commence until they are actually on board the ship, and therefore the insurer is not answerable for any loss or damage which may happen to them while they are on the passage to the ship; and in general the risk on goods continues no

longer than while they are on board the ship mentioned in the policy; and that if they be removed from on board that ship and landed, or put on board another ship without the consent of the insurers, the contract is at an end.

But to this rule there are exceptions; as where the ship is disabled, and the goods are put on board another vessel to be forwarded to their port of delivery. So if it be agreed that the goods shall be removed into another ship at a particular place in the voyage, and there being no ship there, they are put on board a store ship. An insurance on goods extends to carrying them on shore in a boat. If an insurance on goods be to such a city, it is sufficient to bring them to the port to which goods destined for that city are usually sent. *Tierney v. Etherington*, cited 1 *Burr.* 348.

The clause in the English policies, as in foreign ones, shews that the risk on goods continues until they are discharged and safely landed at the port of delivery; and the insured is protected by the policy, in carrying the goods in lighters to any port of delivery where such goods are usually loaded. Policies ought always to be construed according to the course of trade in the place; and, in doubtful cases, in favour of the insured. If the owner of goods insured take them from on board the ship in his own lighter, the insured is discharged, *Sparrow v. Carruthers*, at N. P. 2 *Str.* 1236.

Where goods are put into a public lighter for the purpose of being landed, the risk continues. But if the merchant send his own lighter, this will be a delivery to him, and the insurer is discharged, *Ross v. London Assur.* before *Buller J.* at N. P. June 8, 1784.

The consignors of goods in the port of London employs a common lighterman to land them; and if in the passage to the shore the lighter is sunk by unavoidable accident, this is a loss within the policy. *Hurry and others v. Roy. Ex. Assur.* C. B. Easter, 1801.

The policy affords protection in the port of delivery only till the goods can be conveniently landed, and no longer, *Parkinson v. Collier*, at N. P. *Park.* 314. Yet if the cargo be sold without unloading, and the vendee contract for the freight of it to another port, the insurer is discharged. But the general rule

may

may be controlled by the usage of a particular trade, *Noble v. Kennaway*, Dougl. 492.

Every underwriter is presumed to know the practice of the trade: he insures in, though recently established; the usage of another similar trade may be given in evidence to shew the practice of a newly established trade.

*Commencement and continuance of the risk.* In England the commencement of the risk on the ship varies in almost every case. In outward-bound voyages, it is generally made to commence from her beginning to load at her port of departure.

Sometimes privateers on a cruise, ships engaged in the coasting trade, or in short voyages, are insured for a limited period of time; and in such cases the risk commences and ends with the term, wherever the ship may then happen to be.

If a ship be insured from the port of London to any other port, and before she breaks ground, an accident happen to her, the insurers are not answerable, for the risk does not commence till she sets sail on her departure from the port of London. But if the insurance be at and from the port of London, the insurers are liable to any accident that may happen to her from the time of subscribing the policy.

When a ship expected to arrive at a certain place abroad is insured "at and from" that place, or from her arrival there, the risk begins from the first moment of her arrival at the place specified, and the words *first arrival* are implied, and always understood, in policies so worded. The risk in such cases continues there as long as the ship is preparing for the voyage insured; but if all thoughts of the voyage be laid aside, and the ship be suffered to lay there for a length of time with the owners privity, the insurers are not liable.

In English policies it is usually made to continue only "until the ship hath moored at anchor 24 hours in good safety," and on such policies the insurer is liable for no loss after that time. *Angerstein v. Bell*, at N. P. *Park*. 35.

This holds though the cause of the loss existed before the ship's arrival; the master of a ship having been guilty of smuggling during the voyage, the ship is seized on this account after she arrives and has

been moored 24 hours. The insurer is not liable though the forfeiture attached the moment the offence was committed. *Lackyer v. Offley*, 1 T. R. 252.

A ship is insured for six months, during which time she gets her death's wound, but survives the six months, the insurer is not liable. *Moreton v. Dunlop*, E. 23 Geo. III. in B. R. cited in *Lackyer v. Offley*, 1 T. R. 260.

But if the ship, from necessity, be sent from her moorings before the 24 hours are ended, the risk continues. *Waples v. Eames*, 2 Str. 1248. So if the ship be seized at her port of delivery as prize within 24 hours. *Minnett v. Anderdon*, at N. P. *Peate* 211.

If the risk on a ship be from A to B, generally it has been holden, that it lasts till she is unloaded and discharged.

Yet an insurance to Jamaica generally ends as soon as the ship has anchored 24 hours at any port there, though her cargo is to be delivered in different places. *Camden v. Cowley*, 1 Bl. 417 and 418. *Leigh v. Mathur*, at N. P. *Eip*. Rep. 412. *Park* 38.

The risk of the furniture of the ship may continue even when put on shore; thus, if the rigging and tackle of a ship are put on shore during a repair in the usual course of the voyage, and are burnt by accident, this is a loss within the policy. *Pelly v. Rey*. *Ex. Assur.* 1 Bur. 341.

If a loss be within the general words of the policy, it is incumbent on the insurer to shew that it arose from a peril not insured against. Describing the voyage in the policies, is an express reference to all the circumstances attending it.

An insurance upon an India voyage includes the risk of the country voyage, by the usage of the trade. *Salvador v. Hopkins*, 3 Bur. 1707.

If in a policy on an Indian voyage there be liberty "to touch, stay, and trade, at any ports or places," this covers the risk even of a second country voyage. *Gregory v. Christie*, B. R. Tr. 29 G. III.

In a like policy the liberty was only to touch and stay at any port, &c. in the voyage: by the usage of the trade, this covered the risk on the intermediate voyages. *Farquarson v. Hunter*, B. R. Hil. 25 G. III.

But the general rule is, that a liberty to touch and

stay at any ports and places, means only places in the usual course of the voyage. *Lavabre v. Wilson*, Doug. 271.

A liberty to touch and stay does not authorize the insured to break bulk and trade. *Hill v. Wardell*, at N. P. Esp. Rep. 610.

The risk may be properly commenced, though under circumstances unforeseen at the time of the contract. Thus, if a ship is insured from A to B, being represented as a specific part of a voyage from B to C, thence to A, and back to B: the ship, having sailed to C, is unavoidably obliged to return to B; whence she sails to A, and is captured on her voyage back from thence to B. The insurer is liable to this loss, though the original voyage, of which the voyage insured was a part, was not performed; and the sailing from A to B was a good commencement of the voyage insured. *Driscoll v. Passmore*, 1 Pul. and Bos. 200.

Though the ship, through necessity, change the order of the places at which she is to touch; yet, if she do not abandon the original voyage, the risk continues: as, if a ship is insured on the round voyage mentioned in the last case, the captain, on his arrival at B, writes to his broker, to know whether the underwriters will still consider themselves liable, if the charterer should insist on his proceeding to A; and is answered by the broker, that, in his opinion, the policy is at an end. At the instance of the charterer, the ship proceeds to A, and on her return from thence is captured. The insurer is liable, the deviation being justified by necessity, and the original voyage never having been abandoned. *Driscoll v. Veil*, 1 Pul. and Bos. 313.

If, after the insurance is effected, any thing be done by the insured to alter the nature of the risk, this must be done with the consent of the insurers, otherwise it will avoid the contract.

If a ship insured as a private trader, afterwards takes letters of marque, without the consent of the underwriters, this discharges the underwriters, though no use be made of the letters of marque. *Denison v. Medigliani*, 5 T. R. 580.

Where letters of marque were taken out, but without proper certificate, and only to entice seamen to enter, without any intention of cruising; this did not

vary the risk so as to avoid the policy, even though the captain, against his instructions, cruised, and took prizes. *Moss v. Dy*, 4, 6 T. R. 379.

OF THE POLICY. A policy of insurance is the name given to the instrument by which the contract of insurance is effected and reduced into form, and it is not, like most contracts, signed by both parties, but only by the insurer.

As the premium, which is the consideration of the promise made by the insurer, is paid, or supposed to be paid, at the time the policy is subscribed, the contract contains nothing in nature of a counter promise to be performed by the insured; in general, therefore, it contains only the contract on the part of the insurers.

Policies, with reference to the reality of the interest of the insured, are distinguished into *interest* and *wager policies*; with reference to the amount of the interest, they are distinguished into *open* and *valued*.

An *interest policy* is where the insured has a real, substantial, assignable interest in the thing insured, in which case only it is a contract of indemnity.

A *wager policy* is a pretended insurance, founded on an ideal risk, where the insured has no interest in the thing insured, and can therefore sustain no loss by the occurrence of any of the misfortunes insured against. Insurances of this sort are usually expressed by the words "interest or no interest;" or, "without further proof of interest than the policy;" or, "without benefit of salvage to the insurer."

An *open policy* is where the amount of the insured is not fixed by the policy, but is left to be ascertained by the insured in case a loss should happen.

A *valued policy* is where a value has been set on the ship or goods insured, and the value is inserted in the policy in nature of liquidated damages, to save the necessity of proving it in case of total loss; for by allowing the value to be thus inserted in the policy, the insurer agrees that it shall be taken as there stated. This value is or ought to be the real value of the ship, or the prime cost of the goods at the time of effecting the policy.

Upon a valued policy, the insured needs only to prove some interest, the amount being admitted.

Where a valued policy is *bona fide* meant as an indemnity



demnity, the courts will not inquire very minutely whether the valuation be very near the true interest of the insured. A small excess ought not to be regarded. Considering the uncertainty of every valuation, a scrupulous exactness in this point would only occasion useless litigation; but, on the other hand, if the interest be proved to be a mere cover for a wager, every court must pronounce the policy to be void within the meaning of the statute.

It is only in the case of a total loss that there is any material difference between an open and a valued policy. In the former the value must be proved, in the latter it is admitted. But in the case of a partial loss, the like inquiry into the true amount of such loss is to be made, whether the policy be of the one sort or of the other.

*By whom the Policy may be effected.* The business of negotiating insurances with the underwriters, and of getting policies effected, is usually transacted by brokers, who make this branch of business their profession. To the broker the merchant looks for the regularity of the contract. To him also the underwriters look for a fair and candid disclosure of all material circumstances affecting the risk, and for the payment of their premiums.

But though the underwriter looks to the broker for his premium, and though the broker, in his account with the underwriter, takes credit for the loss and returns of premiums which he is authorized to receive from the underwriter, yet such losses are not to be looked upon as a debt from the underwriter to the broker.

Therefore when the assignees of a bankrupt, who had been a policy broker, brought an action against the defendants, who were agents or factors to various correspondents abroad, and the defendants claimed, by way of set-off, the balance of an account between them and the bankrupts, in which they debited themselves for various premiums of insurance made on behalf of their correspondents, and took credit for all losses and returns of premiums upon these insurances; the defendants had no commission *del credere*, and none of their correspondents were insolvent, but to all their correspondents except one they were in advance on account of insurances. Upon this case the court held, that though the credit for the pre-

miums must be given to the broker, because the underwriters know nothing of the principals, yet that they could not set off the losses or returns of premiums due to the principals, and which they only could sue for against a debt due from the defendants to the bankrupt. *Wilson and other assignees v. Creighton and others*, B. R. M. 23 G. III. MS.

In a subsequent case, where the action was brought by the assignees of an underwriter against the factor, it was determined, that the defendant might set off losses upon policies subscribed by the bankrupt, and due to the defendant's correspondents. But there the defendant had a commission *del credere*, which Lord Mansfield said made him liable to his correspondents for losses, without first bringing an action on the policy against the underwriter.

When the merchant happens to reside at a distance from the place where he means to be insured, the policy is usually effected by the mediation of his agent or correspondent there, who if he be not himself a broker, employs one, and gives him all necessary instructions with which he has been furnished for getting the insurance effected. *Grove v. Dubois*, B. R. Hill. 26 G. III. MS.

*The form and requisites of the Policy.* From the nature and object of the contract, courts of justice have always construed it according to the intention of the parties, so as that the indemnity of the insured, and the advancement of trade, which are the great objects of insurance, may be attained.

When a clause is clear in itself, it ought to be understood literally; but when clauses are obscure, the best and only mode of fixing their meaning is by the rules of the common law.

As it is often necessary to introduce additional clauses into the policy, to adapt it to the particular stipulations of the parties, particular care should be taken in stating the same. Lord Mansfield, while observing upon the inaccuracy of one of those clauses, declared that he did not recollect an instance of an addition of this sort which had not created doubts on the construction of it, and this frequently happened where a word or two more or less would have rendered the whole perfectly clear. *Doug. 257.*

By stat. 28 G. III. c. 56, "no person shall effect any policy on any ship or goods, without first insert-

ing the name or names, or the usual style and firm of dealing of one or more of the persons interested, or of the consignor or consignors, consignee or consignees of the property to be insured, or of the person or persons residing in Great Britain who shall receive the order for and effect such policy, or of the person or persons who shall give the order to the agent or agents immediately employed to negotiate or effect such policy; and every policy made contrary to the true intent and meaning of this act shall be null and void."

This act ought to be construed liberally, and according to its extent; therefore if a consignee refuse to accept a cargo of goods, or to accept bills of exchange for the amount, the general agent of the consigner becomes in effect the consignee, and may insure in his own name.

In almost all cases of insurance on goods, it is usual and necessary to specify in the policy the ship in which they are to be transported.

This being inserted in the policy, it becomes a part of the contract, that the adventure shall be on board the ship specified and no other, nor can any other vessel be substituted for it, unless through necessity, or with the consent of the insurer.

Not only the name, but also the species of vessel, ought to be mentioned; and if this be done falsely, in order to mislead the insurer, and diminish the risk, as if a brig or sloop, or other small vessel, be described as a ship, this will vitiate the contract; but if the error in the description of the vessel arise only from mistake or inadvertence, and it does not affect the risk, or if the insurers knew upon what vessel the risk was to be run, the false description in the policy will not affect the contract.

The name of the master also should be specified, because his character and abilities are material subjects of consideration in estimating the risk; but to obviate any difficulties that might arise from this, the following words are always added in our policies, "or whosoever else shall go for master in the said ship."

The policy must likewise specify the subject matter of the insurance, whether it be goods, ships, freight, respondentia, bottomry, securities, or other things.

If the insurance be on goods, it is not necessary to particularize the different sorts; it is usually expressed

to be "upon any kind of goods or merchandizes." Yet this is sometimes done for the satisfaction of the underwriters; and where they are specified, if they be not put on board, the policy will be void, although the insured have other goods of equal value on board.

When the goods consist of but few articles, or are valued by the hogshead, pipe, bale, &c. they are generally specified.

Respondentia and bottomry securities must be insured as such; but in an action on a policy on goods, the plaintiff cannot give in evidence a respondentia bond as a proof of interest in the goods which the obligor has on board. *Glover v. Black*, 3 Bur. 1394. 1 B. 399, 405, 422. The usage of a particular trade may nevertheless sanction a departure from this rule. *Gregory v. Christie*, B. R. Tr. 24 G. III. *sup.* 94.

The master's cloaths, the ship's provisions, and goods lashed to the deck, cannot be insured as goods. Money, jewels, or bullion, may be insured under the denomination of goods. But the insurer is not liable for the risk of a clandestine exportation of these articles. Jewels, &c. worn by persons on board, are not included in a policy on goods. An insurance on a ship does not comprehend both ship and cargo; and therefore if a merchant insure a ship generally, and she then happen to be laden, the insurer, in case of loss, shall answer only for the ship, but not for the goods.

*Voyage how to be described in the Policy.* Every fact and circumstance relating to the contract of insurance must be stated, with the most scrupulous regard to truth. The voyage insured must therefore be truly and accurately described in the policy; namely, the time and place at which the risk is to begin; the place of the ship's departure; the place of her destination; and the time when the risk shall end; whether on goods, or on the ship. If a blank be left for the place either of the ship's departure or destination, the policy will be void for the uncertainty: as, if a ship be insured from London to this blank being left to prevent an enemy's learning the place of the ship's destination; if the ship in her voyage be cast away, the insured shall not recover his loss on this policy, though there were private instructions for the ship's port of destination. *Melley*, b. 2. c. 7. § 14.

In ordinary policies, the continuance of the risk on goods is generally expressed to be "*from the loading thereof on board the ship, and to continue until the same be discharged and safely landed,*" at the port of delivery. Upon the ship on an outward voyage, it is sometimes "*from her beginning to load*" at some particular place, or at and from such place; sometimes "*from a particular day.*" On a homeward voyage it is generally made to commence "*on the ship's arrival*" at a particular place abroad, or "*at and from*" such place; and continues "*till she arrives*" at her place of destination, "*and is there moored 24 hours in good safety.*" Certain provisions are often added, to enable the ship to touch, stay, trade, &c. at certain places out of the direct course of the voyage without being guilty of a deviation.

Sometimes privateers and vessels, which are constantly employed in the coasting trade, are insured for a term: but, by the stat. 35 Geo. III. c. 63. § 12, this term must not exceed 12 calendar months; if it exceed that time, the policy will be void.

Though the description of the voyage be literally true, yet if it be calculated to induce a false conclusion, the policy will be void. *Hodson v. Richardson*, 1 Bl. 463.

The port or ports of the ship's destination must be truly stated. Freight is insured from A to B, but if the goods in trust are intended to be sent to C, the policy is void. *Murdoch v. Potts*, at N.P. after Trin. 1795. *Park*. 299.

*Deviation.* Whatever may have been the intention of the insured, if the ship in fact sail on a voyage different from the voyage insured, the policy is void.

A ship is insured from a certain day from A to B, and before the day she sails on a different voyage, the policy is discharged. *Way v. Madigliani*, 2 T.R. 30.

But, though there be a previous design to touch at a place out of the course of the voyage, yet, if the *termini* of the voyage be the same, this shall only be deemed an intention to deviate: thus, a ship insured from A to B, sails with a design to touch at C, and before the dividing point, is lost; the insurers are liable. *Kewley v. Ryan*, H. Bl. 343.

A deviation is a departure from the usual course of the voyage insured, not in consequence of any avowed design, or any orders previously given to the

captain, but from an after-thought conceived during the voyage. If, therefore, a ship be insured from A to B, and before her departure the insured determine that she shall call at C, which is out of the usual course of the voyage from A to B, this, according to the above doctrine, cannot so properly be said to be an intended deviation as a different voyage, namely, a voyage from A to B and C.

If the ship have liberty in her policy to touch at a place where it is not intended she shall go, yet the policy will be good. *Planché v. Metcher*, Doug. 238. *sup.* 69.

If from a certain point in a voyage there be several tracks, of which the captain usually elects which he will pursue, but a particular track is described to him by the insurer, this should be mentioned in the policy, otherwise it will be void. *Middlewood v. Blakes*, 7 T.R. 162.

The various *perils* against which the insured means to be protected, must be *distinctly* enumerated in the policy: these are generally expressed in a form of words which has long been in use, and being dictated by the anxiety which is natural to persons who have great objects at stake, has been so multiplied, and are so comprehensive, that they afford full protection against every accident or misfortune that can possibly happen in the course of any voyage, and for which it is meant that the insurer shall be answerable.

There are, however, certain losses for which it is never meant that the insurer shall be answerable, being imputable to the owners of the ship, or to the master and mariners whom they employ, rather than the perils of the sea. Such as injuries occasioned to goods by bad stowage, by being exposed to wet, thefts, and embezzlements of the master and mariners, &c.

In our policies are inserted the words "*lost or not lost;*" by which the insurer takes upon himself not only the risk of future loss, but also the loss of any that may have already happened. Policies with this clause are not deemed wagers.

It was formerly doubted, whether the insured could use his endeavours to recover the goods that had been lost, or in preserving such as had been saved, without waiving his right to abandon; to obviate which doubt, a clause was introduced in the policy, to en-

able the insured, in case of any loss or misfortune, to employ all necessary means for the defence, safeguard, and recovery of the goods or ship insured, without prejudice to the insurance, and at the charge of the insurers; to which they bind themselves to contribute, in proportion to their respective subscriptions.

The next clause in the policy is that by which the insurers bind themselves to the insured for the true performance of their contract, and confess themselves paid the consideration or premium by the insured, after the rate specified.

There is no rule fixed to ascertain the rate of the premium in any case. This must always depend on the agreement between the parties; and therefore the premium, whatever it may be, is always reputed to be just and fair, if there be no fraud or surprise on either side. If the nature of the risk be fairly and fully declared by the insured, the insurer can never dispute the payment of a loss on the ground of the smallness of a premium.

*Date and Subscription of the Policy.* The sum insured is generally placed after the signature in the underwriter's hand-writing, and in words at length. But it is not indispensably necessary, that the sum shall be specified in the policy. An insurer may bind himself to pay the value of the effects insured, or a given proportion of it, without fixing that value in the policy.

There are few instruments to which the true date is more necessary. This date, when compared with the dates of facts connected with the transaction, serves to discover whether there be reason to suspect any fraudulent concealment at the time.

The date is not inserted in the body of the policy; for as each subscription to a policy makes a distinct contract, each underwriter sets down the day, month, and year of his own subscription.

The last requisite of a policy is, that it be duly stamped. Upon the subject of the stamp duties imposed on this contract, it will be only necessary to insert here the substance of the stat. 35 G. III. c. 63. This act, which is declared not to extend to insurances on lives, or against losses by fire, repeals all former stamp duties on marine insurances, imposes, "on every policy of insurance upon any ship, goods, or merchandize, or upon other property, the follow-

ing duties; viz. where the sum insured amounts to 100l. a stamp duty of 2s. 6d. and so progressively for every sum of 100l. insured; and where the sum insured is less than 100l. the like stamp of 2s. 6d.; and where it exceeds 100l. or any progressive sums of 100l. each, by a fractional part of 100l. a like duty of 2s. 6d. for every such fractional part; and where the premium *bona fide* paid, or contracted for, shall not exceed the rate of 10s. the sum insured amounts to 100l. a duty of 1s. 3d. and so progressively for every 100l. and the fractional part of every 100l. insured.

"Provided, that where the premium shall not exceed 10s. per cent. and the sum insured is 200l. or upwards, a stamp of 2s. 6d. may be used for every 200l. insured, instead of stamps of 1s. 3d. for every 100l.

"Provided, that where an insurance is made on goods on board a ship specifically named, on a homeward voyage, and the sum insured is found to exceed the interest of 1000l. or upwards, where the duty is 1s. 3d. per cent. or 500l. where it is 2s. 6d.; and upon oath of the true value of the interest, and on production of the policy within a month of landing the goods in Great Britain, and on proof of the return of premium by the several underwriters on account of such short interest, the commissioners may allow for the excess of duty; provided the policy be delivered to the commissioners to be cancelled, and the interest insured be not valued from the policy.

"And every contract for any such insurance shall be printed or written, and shall be deemed a policy of insurance, in which the premium, the risk insured against the names of the underwriters, and the sums insured, shall be specified, on default whereof any such insurance shall be void.

"And no policy upon any ship or share therein, shall be made for any term longer than 12 calendar months, and every policy for a longer term shall be void.

"And no such insurance, made in Great Britain, shall be given in evidence, or shall be good or available in law, unless stamped with the stamp to denote the rate of duty, or some higher duty contained in this act. And it shall not be lawful to stamp any policy



policy after the insurance shall be printed or written, under any pretence whatever.

“ And any person who shall make or effect, or procure to be made or effected, any such insurance, or shall pay, or agree to pay, any premium thereon, or shall enter into any contract for such insurance, unless it be printed or written, being first duly stamped with the proper stamp, or one of higher value, shall forfeit 5000*l*; and all brokers, agents, &c. negotiating such insurance, or printing or writing any agreement for such insurance, before the same shall also be duly stamped, shall also forfeit 500*l*.

“ And it shall not be lawful for any broker, &c. negotiating such insurance, to charge for brokerage, &c. or for any premium paid thereon, unless the same be printed or written, and duly stamped; and every sum so paid shall be deemed to be paid without consideration.

“ And any insurer or underwriter, who shall receive any premium, or pay any loss upon such insurance, unless it be written or printed, and duly stamped, or any person who shall be concerned in any fraudulent device to evade the duties imposed by this act, shall forfeit for every offence 500*l*.

“ But it being customary for the London Assurance and Royal Exchange Assurance companies to prepare a label, containing the heads of the insurance proposed, signed by the insured, from which the policies are afterwards made, and it would be inconvenient, to require the policies in all cases to be immediately made out; it is provided, that the officers of those corporations shall not be subject to any of the above penalties for making any agreement to insure by such unstamped label, provided the day on which it was made be truly expressed in words at length, and a policy be made out in pursuance of the agreement, and according to one of the forms annexed in this act, and duly executed and stamped within three office days from the date of the agreement.

“ Provided that any lawful alteration in the forms of the policy may be made, after it has been underwritten, and that no additional stamp be required by reason of such alteration, so that it be made before notice of the determination of the risk originally insured, that the original premium exceed 10*s*. per cent. that the property of the thing insured remain the

same, that the alteration shall not prolong the term insured beyond the period allowed, and that no additional sum shall be insured by such alteration.”

This act also contains regulations for the providing paper, &c. at the public charge, and the distributing of stamped policies where the sum insured is not under 10,000*l*; and for stamping paper, &c. brought to the office; for appointing an office in London, near the Royal Exchange, to distribute policies properly stamped; directing the mode of taking bonds from persons to whom policies are delivered on credit, and keeping proper accounts with them; with directions for granting new policies in lieu of policies damaged, or where, by mistake, a wrong stamp has been used, or subscriptions have not been obtained to the amount of the stamp, on producing another policy made out for the same risk, provided it be brought to be cancelled in 10 office days after the date of the subscription, or (if on an outward voyage) after the ship has sailed.

By the stat. 41 G. III. c. 10. s. 1, all the duties imposed by the above act are doubled.

*When a Policy may be altered.* Though a policy of insurance, being a contract of indemnity, and being only considered as a simple contract, must always be continued, as nearly as possible, according to the intention of the parties, and not according to the strict and literal meaning of the words; the general form of the policy, which has been for many ages nearly the same, is never altered but with the utmost precaution, and upon very great consideration; and, therefore, when once a policy is filled up and underwritten, no alteration can be made in it but by the consent of all parties, or by the authority of a court of equity, or perhaps a court of law, and then only in a case where something has, by mistake or fraud, been inserted or omitted, contrary to the manifest intention and the real agreement of the parties; and a very clear case of this sort must be made out by unquestionable testimony to warrant such alteration. But where such a case is made out, the court will direct the alteration to be made even after a loss has happened. *Hankey v Royal Exchange Assurance*, 1 Ves. 317. *Motteux v. London Assurance*, 1 Atk. 545.

*Of Warranty.* A warranty is a stipulation or agreement

ment on the part of the insured, in nature of a condition precedent. It may be either affirmative, as where the insured undertakes for the truth of some positive allegation, as that the thing insured is neutral property, that the ship is of such a force, that she sailed or was well on such a day, &c.; or it may be promissory, as where the insured undertakes to perform some executory stipulations; as that a ship shall sail on or before some given day, that she shall depart with convoy, that she shall be manned with such a complement of men, &c.

Warranties are either express or implied. An express warranty is a particular stipulation introduced into the written contract by the agreement of the parties; as that the thing insured is neutral property, that the ship shall sail by a given day, that she shall depart with convoy, &c. An implied warranty is that which reasonably results from the nature of the contract, as that the ship shall be sea worthy when she sails on the voyage insured, that she shall be navigated with reasonable skill and care, that the voyage is lawful, and shall be performed according to law, and in the usual course, and without deviation, &c.

A warranty, like every other part of the contract, is to be construed according to the understanding of merchants, and does not bind the insured beyond the commercial import of the words. *Hyde v. Bruce*, B. R. Hil. 23 G. III. MS.

Any warranty when once inserted in a policy becomes a binding condition on the insured, and must be literally complied with.

The breach of a warranty, therefore, consists either in the falsehood of an affirmative, or the non-performance of an executory stipulation. In either case the contract is void; and whatever it may be, or whether a loss proceed from the breach of it or not, the insurer is not liable. *De Natin v. Hartley*, 1 T. R. 343.

It is also immaterial to what cause the non-compliance is attributable; for if it be not in fact complied with, though perhaps for the best reason, the policy is void. The condition has not been performed, or the contingency has not happened on which the contract was made; and the underwriter has a right to say that there is no contract. Therefore, if a ship be warranted to sail on or before a given day, and

she be prevented by any accident, as the sudden want of repair, the appearance of an enemy, &c. from sailing till the next day, though it may be right in such case not to sail on the day, yet the warranty is not complied with, and there is an end of the policy.

An express warranty being of the nature of a condition precedent, the courts have held, that it must appear on the face of the policy, in order that there may be indisputable evidence of a stipulation, the non-compliance with which must necessarily avoid the contract. Instructions in writing for effecting the policy, therefore, unless inserted in the instrument itself, do not amount to a warranty; *per cur.* in *Pawson v. Watson*. *Corop.* 790. *inf. c. 9. s. 1.* Even a paper waivered to the policy will not make a warranty; *Pawson v. Barnetvelt*, at N. P. *Doug.* 12. *Beze v. Fletcher*, N. P. *Doug.* 13; but it will be sufficient if it be written in the margin.

When there is a warranty to sail by a given day, nothing will excuse the non-compliance with it. Even an embargo by a British governor will not excuse it. *Hore v. Whitmore*, *Corop.* 784.

A warranty to sail after a certain day must be observed with strictness. *Vigland v. Grant*, N. P. *East.* 1779, *Park.* 326.

If the ship sail before the day to join convoy, this shall be a compliance with the warranty, though the way to the place of rendezvous be out of the course of the voyage. *Bond v. Nutt*, *Corop.* 601.

If the voyage be begun, the usage may justify going out of the course to join convoy. *Thellusson v. Ferguson*, *Doug.* 348.

If an embargo be published before the ship sails, and the captain puts himself into it, but in the hope of its being immediately taken off, this will excuse his not sailing by the day. *Earle v. Harris*, *Doug.* 352.

If a ship once break ground and get fairly under sail before the day, this is a compliance with the warranty, though she be drove back by stress of weather, or detained by an embargo. *Thellusson v. Ferguson*, *Corop.* 607.

*Warranty to sail with Convoy.* Another species of warranty often inserted in policies in time of war, is to sail or to depart with convoy. This, like other warranties, must be strictly performed; and if the ship depart without convoy, from whatever cause,

the

the policy becomes void, and the insurer shall not be answerable even for the perils of the seas.

There are five things essential to a sailing with convoy: 1st, it must be with the regular convoy appointed by government; 2dly, it must be from the place of rendezvous appointed by government; 3dly, it must be a convoy for the voyage; 4thly, the ship insured must have sailing instructions; 5thly, she must depart and continue with the convoy till the end of the voyage, unless separated by necessity.

1st. It must be with the regular convoy appointed by government.

A convoy within the meaning of this warranty is a naval force under the command of an officer, appointed by government for the protection of merchant ships and others, during the whole voyage, or such part of it as is known to require such protection.

By stat. 22 Geo. II. c. 33 art. 17, the officers and seamen of ships employed as convoy are subjected to punishment for any misbehaviour. A warranty to sail with convoy means such convoy as government shall appoint. Sailing with any other force than the convoy regularly appointed will not satisfy the warranty.

The ship must sail to the place of rendezvous appointed by government, which is the meaning of the warranty; for though it is usually expressed in general terms, to depart or to sail with convoy, yet, as it would often be impracticable or inconvenient to appoint a convoy to sail from each particular port, there are certain places of rendezvous appointed by government for general convenience, to each of which the merchant ships from the neighbouring ports may repair by a given day for convoy, and it is sufficient compliance with the warranty if a ship depart with convoy from such place of rendezvous. This, like most other questions relating to insurance, is regulated by the general usage of trade.

A ship or goods insured are protected by the policy in their passage from the port of loading to the place of rendezvous appointed by government; and therefore, if the parties mean to vary from the common course, and to specify any particular case of joining convoy, this must be particularized in the policy. *Gordon v. Morley*, at N. P. 2 Str. 1265.

A warranty to sail with convoy generally means a convoy for the whole of the voyage.

Where part of the premium is to be returned in case the ship sail with convoy and arrives, this means a convoy for the voyage. *Sully v. Exner*, Doug. 72.

Evidence of an usage in trade if not inconsistent where the terms of the policy is admissible. Yet this warranty does not always mean a convoy from the port of departure to the port of destination, it means such convoy as government shall appoint for the voyage insured. *D. Enguin v. Broicks*, 2 H. Bl. 551.

*Sailing instructions* are written or printed directions delivered by the commanding officer of the convoy to the several masters of the ships under his care, by which they are enabled to understand and answer his signals, to know the places of rendezvous in case of dispersion by storm, or by an enemy, &c. Such, therefore, is the utility and necessity of these sailing instructions, that no vessel can have the full protection and benefit of convoy without them; sailing instructions are so essential to a sailing with convoy, that in general, unless they be obtained, the warranty is not complied with. *Stibbert v. Pigon*, B. R. East. 23 G. III. MS. S. C. *Perf.* 393. Yet sailing instructions are not so indispensably necessary but that there may be cases in which the want of them may be excused. *Webb v. Thompson*, 1 Pul. and Ber. 5.

Stress of weather will excuse the want of them. *Victorin v. Cleve*, at N. P. Str. 1250.

If the convoy be under sail, and the captain apply for sailing instructions, which are refused, but he is ordered to keep on and he will be taken care of, this is sailing with convoy. *Freedom v. Wilmet*, at Guildhall, July 1744, *Part.* 341.

The ship must depart and continue with the convoy till the end of the voyage, unless separated by necessity; and therefore, if the ship insured, by negligence or delay in getting under weigh at the same time with the convoy, lose the benefit of protection, though for ever so short a time, this is not departing with convoy, and the policy becomes void.

The ship must not only depart with convoy, but also continue with it, if possible, during the voyage. *Jeffery v. Legendre*, 3 Lev. 320. S. C. *Caitb.* 216. 2 *Salk.* 443. 1 *Shew.* 320. 4 *Mud.* 58.

But

But if the master through fraud or negligence leave his convoy, it is a breach of the warranty; or if a ship, separated from the convoy, neglect to rejoin it, the insurers are discharged.

By stat. 38 G. III. c. 76. s. 1, no ship belonging to his majesty's subjects shall sail from any port without convoy. The master of every ship sailing under convoy shall use his utmost endeavours to continue with such convoy during the voyage, and shall not quit it without leave. Any master of a ship sailing under convoy, or quitting it without leave, shall forfeit 1000*l.*, and in case the cargo consist of naval or military stores 1500*l.* In case of a sailing without or deserting convoy, the insurance on the ship shall be void, and the premium shall not be recoverable back from the insurers.

*The above act 38 G. III. c. 76. s. 1, expired six months after the signature of the preliminaries of peace with France.*

A foreign built ship, British owned, sails without convoy, and without a licence so to do, the ship being within the exception of the 38 G. III. c. 76. s. 6, a policy on her would have been good, and it is not necessary to communicate to the underwriters at the time of making the policy that the ship is foreign built. *Long v. Duff*, and *Long v. Bolton*, 2 *Pul. and Bos.* 209.

As the premium is meant to be proportioned to the nature of the risk, and as the general words of the policy, unless restrained or qualified by some special stipulation, subject the insurer to every loss by capture, it is of great importance in times of war, between maritime states, to ascertain whether the ship or goods meant to be insured be liable to capture, as belonging to either of the belligerent powers. If the insured profess to be the subject of a neutral state, and mean to be insured as such, the insurer requires him to warrant the ships or goods to be neutral property. This is done by inserting in the policy either the words "warranted neutral," or "warranted neutral property;" and sometimes the warranty is, that they belong to the subjects of some particular neutral state.

Neutral property, in the sense of which that expression must be understood in this warranty, is, that which belongs to the subjects of a state in amity with the belligerent powers.

It is sufficient the warranty be true when made. A ship warranted neutral on the 28th November, sails on the 11th December, hostilities commence on the 20th December, and she is captured on the 25th. This does not falsify the warranty, and the insurer is liable. *Edie v. Parkinson*, *Doug.* 705. S. P. ruled in *Salonici v. Johnson*, *Park.* 364, and admitted in *Tyson v. Gurney*, 3 *T. R.* 477.

The risk of future war is undertaken by the insurer in every policy. The warranty is, that things stand so at the time, not that they shall continue so.

In order that a foreign sentence may be received in our courts as admissible evidence, and possess the authority ascribed to it, the court in which it was pronounced must appear to be a court lawfully constituted, and of competent jurisdiction in such matters; and, therefore, if it appear to have been held under any usurped or illegal authority, or contrary to the law of nations, the sentence will have no validity.

The sentence of a consul or belligerent power, resident in a neutral state, has no authority in our courts.

Where the ground of condemnation is declared to be that the thing insured was enemy's property, it is always conclusive.

A sentence of condemnation on the ground that the ship is not neutral, is conclusive, though it express no other grounds. *Fernandes v. Da Costa*, at N. P. after *Hil.* 4 *Geo. III. Beaves* 314.

But if the special ground stated in the sentence do not prove that the thing insured was not neutral, the sentence will not be conclusive; neither if it be ambiguous, it will not be conclusive. *Bernardi v. Matoux*, *Doug.* 554.

But so great in our courts is the authority of a sentence of a foreign court of admiralty, that if it be there decided that a ship or goods are enemy's property, the sentence, though manifestly unjust, will be received as conclusive evidence, to disprove the warranty of neutral property. *Geyer v. Aguilar*, 7 *T. R.* 631.

The warranty of neutrality must not only be true at the time when the policy is effected, but the insured should take care that he do not by any act of omission on his part forfeit his neutrality. Such forfeiture, by the wilful act of the master or mariners, though in some instances it may amount to barratry,



is a breach of the warranty, and avoids the policy for the time it is committed; nor can the insured recover on it for any loss happening afterwards, though it proceed from a cause wholly unconnected with the warranty; for it is of little importance to the insurer whether a ship be liable to capture as being enemy's property, or for having forfeited her neutrality.

A ship may forfeit her neutrality by any act done or attempted against the law of nations, or in contravention of particular treaties, and injurious to either of the belligerent powers. The most frequent cause of dispute upon this subject is the refusal of neutral ships to submit to visitation and search by belligerent cruisers. It has been formerly holden that a neutral is not bound to submit to such search, and that searching being an act of superior force, rather than the exercise of a right, the neutral may always resist it when he can do so with effect, and that such resistance is therefore no cause of forfeiture in neutrality. But it has recently been holden that a resistance to search is a breach of neutrality. *Garrels v. Kensington*, 8 T. R. 23.

The meaning of the warranty is, that the ship or goods insured shall not be the property of neutral persons, but also that they shall be neutral to the purpose of being protected. The ship must therefore be navigated according to the law of nations, and she must also be furnished with all the documents and papers which are the evidences of her neutrality, and of her observance of the regulations of particular treaties, to which she is bound to conform.

The documents requisite for neutral ships are: 1. The passport. This is a permission from the neutral state to the captain or master of the ship to proceed on the voyage proposed, and usually contains his name and residence, the name, description, and destination of the ship, with such other matters as the practice of the place requires. This document is indispensably necessary for the safety of every neutral ship. 2. The sea-letter or sea-brief, which specifies the nature and quantity of the cargo, the place from whence it comes, and its destination. This paper is not so necessary as the passport, because the former in most particulars supplies its place. 3. The proofs of property, which ought to shew that the ship really

belongs to the subjects of a neutral state. If she appear to either belligerent to have been built in the enemy's country, proof is generally required that she was purchased by the neutral before captured, and legally condemned since the declaration of war; and in the latter case the bill of sale, properly authenticated, ought to be produced. 4. The muster-roll, containing the name, age, quality, place of residence, and above all the place of birth, of every person of the ship's company. 5. The charter-party. 6. The bill of lading, by which the captain acknowledges the receipt of the goods specified therein, and promises to deliver them to his consignee or his order. 7. The invoices, which contain the particulars and prices of each parcel of goods, with the amount of the freight, duties, and other charges thereon, which are usually transmitted from the shippers to their factors or consignees. These invoices prove by whom the goods were shipped, and to whom consigned. 8. The log-book, or ship's journal, which contains an account of the ship's course, with a short history of every occurrence during the voyage. 9. The bill of health, which is a certificate, properly authenticated, that the ship comes from a place where no contagious distemper prevails, and that none of the crew at the time of her departure were infected with any such distemper.

Upon this subject of the ship's documents, it is to be observed, that though by the law of nations the want of some of these papers may be taken as strong presumptive evidence, yet the want of none of them amounts to conclusive evidence against the ship's neutrality.

A ship warranted neutral must be navigated according to the treaties by which she is bound. *Rich v. Parker*, 7 T. R. 705. *Esq. Rep.* 615.

If a ship insured be not in a proper condition for sailing during only a part of the voyage, nothing that happens afterwards can better her original situation. The warranty is not satisfied by merely shewing that the thing insured in fact belonged to a neutral.

A warranty that a ship is neutral, does not merely mean that she was built in the neutral state, but that she is entitled to all the indemnities of the ships of that state.

But neutrals are not bound to take notice of regulations

lations made by belligerent powers contrary to the law of nations.

If a ship be condemned for forfeiting her neutrality, and upon the face of the sentence it appear not to be a legal cause of forfeiture, this sentence will not be conclusive. *Mayne v. Walter*, B. R. East. 22 C. III. M. S. C. Park 362.

But if a ship be not navigated according to the subsisting treaties between the country to which she belongs and the belligerent state, she will forfeit her neutrality. *Barzillay v. Lewis*, B. R. Trin. 22 G. III. MS. Park 358.

Neutrals ought to take notice of the regulations made by the belligerent powers, though repugnant to the law of nations. If the insurer knows of such regulations, he should apprise the insured of his danger; but if both are ignorant of them, a foreign sentence of condemnation for not conforming to them will not be conclusive to prove a forfeiture. *Pollard v. Bell*, 8 T. R. 343.

Though the sentence of a foreign court of admiralty be founded on a system of plunder and manifest injustice, yet our courts of law are bound to give credit to their sentences.

The law of nations, subject to the alterations made by treaties, is the rule for deciding all questions of prize.

Ships should be furnished with such documents as the state they belong to have by treaty agreed to be the evidence of their neutrality. But they are not bound to furnish themselves with every document the belligerent powers may arbitrarily require.

A condemnation on the particular ordinances of a belligerent power does not falsify the warrant. *Bernardi v. Motteux*.

Courts of administration are to proceed on the treaties between particular states, which is not varied by particular treaties, except as between the parties to such treaties.

*Representations.* Good faith should preside in all the transactions of commerce, and in none more than in those of insurance. In this contract each party is bound to conduct himself towards the other, not only with integrity but with the most unreserved openness and candour, and they ought mutually to disclose to

each other every circumstance which can in any degree affect the risk.

A representation in insurance is denoted to be a collateral statement, either by parole or in writing, of such facts or circumstances relative to the proposed adventure, and not inserted in the policy, as are necessary for the information of the insurer, to enable him to form a just estimate of the risk. Such representations are often the principal inducements to the contract, and afford the best ground on which the premium can be calculated.

A misrepresentation may be untrue either wilfully and fraudulently, or inadvertently and innocently.

A misrepresentation in a material point avoids the contract, *Robert v. Tonnerreux*, Park 176. And the insured cannot recover on the policy for loss arising from a cause unconnected with the fact misrepresented. So if it be made without knowing whether it be true or false, or even if the person making it believe it to be true; but if he only give it as his belief, without knowing the contrary, it will not affect the contract.

For the same reason, if the word *expected* be used, this will not amount to a representation. As when a broker, in getting insurances effected on the several ships belonging to the same owner, and speaking of them all, said, "which vessels are expected to leave the coast of Africa in November or December," when in fact they had all sailed in the May preceding; this does not amount to a representation, being only an expectation, the ground of which the underwriters might have inquired into. *Barber v. Fletcher*, Dougl. 292.

There is a material difference between a representation and a warranty. The latter, being a condition on which the contract is to take effect, is always a part of the written policy, and must appear on the face of it; whereas a representation is only a matter of collateral information or intelligence on the subject of the voyage insured, and makes no part of the policy. A warranty being in the nature of a condition precedent, must be strictly and literally complied with; but it is sufficient if a representation be true in substance. By a warranty, whether material to the risk or not, the insured stakes his claim of indemnity upon the precise truth of it, if it be affirmative;

mative; or upon the exact performance of it, if executory: but it is sufficient if a representation be made without fraud, or be not false in any material point, or if it be substantially, though not literally fulfilled. A false warranty avoids the policy, as being a breach of a condition on which the contract is to take effect, and the insurer is not liable for any loss, though it do not happen in consequence of the breach of the warranty. A false representation is no breach of the contract; but if material, it avoids the policy on the ground of fraud, or at least because the insurer has been misled by it. Written instruments, unless inserted in the policy, are only representations. A misrepresentation made to the first underwriter is a misrepresentation to all. But this objection must be made at the trial in the first instance; it will be too late afterwards. If the insured state his computation as fact, and it prove untrue, it will avoid the policy. *Macdowall v. Fraser, Doug.* 247.

A misrepresentation, whether by the insured or agent, and whether fraudulent or innocent, avoids the contract. *Fitzherbert v. Mather*, 1 T. R. 12.

Though the voyage be represented as being less than the voyage described in the policy, yet if there be no fraud, and the voyage performed be within the policy, it will be protected. *Beese v. Fletcher*, at N. P. *Doug.* 271.

Even if a representation as to the course of the voyage be literally untrue, yet if it be made in conformity to an established usage of trade, and no person be deceived by it, and the voyage meant to be performed be within the policy, it will not avoid the contract. *Planche v. Fletcher, Doug.* 238.

Every representation respecting the state of the ship, and the time of her sailing, is material; and therefore if it be stated that a ship was ready to sail on a certain day, when in fact she had sailed the day before, this is both a misrepresentation and a concealment, and will avoid the policy.

Concealment consists in a fraudulent suppression of any fact or circumstance material to the risk. This, like every other fraud, avoids the contract *ab initio* upon principles of natural justice; for as the facts on which the risk must be estimated generally lie within the knowledge of the insured or his agent, the underwriter must in most cases rely on him for all the

necessary information to enable him to decide upon what terms he will take upon himself the proposed risk; and he computes the premium, and enters into the contract, in the confidence that the insured, being fully informed of all circumstances relating to the intended voyage, has dealt fairly with him, and has kept back nothing which it might be material for him to know.

But it is not merely on the ground of fraud that a concealment avoids the contract; even an innocent concealment, if material, will avoid the policy; the insurer should therefore not conceal any necessary information, but disclose all material circumstances; for a concealment is to be considered not with reference to the event, but to its effect at the time of making the contract.

A well founded suspicion of a concealment will amount to proof of fraud. *Park* 209.

Concealment of the time of the ship's sailing avoids the policy. *M. Andrews v. Bell, Esp. Rep.* 373.

If a ship is to be employed in a service of peculiar danger, this should be stated to the insurers. A material concealment is fatal, though the fact concealed was not disclosed, because the broker thought it immaterial. *Shirley v. Wilkinson, Doug.* 306. Even doubtful rumours respecting the safety of a ship ought to be disclosed. *Da Costa v. Scandaret*, 2 P. W. 170. *Seaman v. Fonereau*, 2 Str. 1183.

The non-compliance with an ordinance, though it be contrary to the law of nations, ought to be disclosed.

A concealment by an underwriter will avoid the policy as to him.

Either party may be innocently silent as to many matters which are open to both, and upon which they may both exercise their judgments; but this will hold to make it void in favour of either party who is misled by his ignorance of the thing concealed.

The underwriter needs not to be told what lessens the risk agreed upon, and is understood to be comprized within the express terms of the policy; he needs not to be told what is the result of political speculations or general intelligence. Those things only need be disclosed which the one privately knows, and the other has no reason to suspect. There need be no



previous representation as to the state of the ship, that being covered by the implied warranty that she is sea-worthy. Letters therefore from the captain, describing the bad state of the ship in her outward voyage, need not be shewn to the underwriters in a policy on a subsequent one. *Park* 229. Nor is it necessary to state what may reasonably be presumed, or what either party may know; nor a circumstance made material by a foreign ordinance of which he was ignorant. *Park* 195.

*Sea-worthiness.* In every insurance, whether of ship or goods, there is an implied warranty of the sea-worthiness of the ship, that is to say, that she shall be "tight, staunch, and strong, properly manned, provided with all necessary stores," and in every other respect fit for the voyage.

Where a ship is lost, or is in the course of the voyage condemned as incapable of proceeding to the place of her destination, and this cannot be ascribed to stress of weather or any accident, the presumption is, that she was not sea-worthy, in so far as to throw the proof that she was sea-worthy on the insured. A ship must not only be perfect in herself, but must, from the nature of her structure, be capable of performing the voyage on which the insurance is made, otherwise she is not tight, staunch, and strong, according to the tenor of the charter-party; and it is also required that there shall be good and sufficient evidence of this, and also that the insured shall bring forward all the evidence he has of the condition of the ship at the time she sailed, and when the loss happened, or she was condemned as unfit to proceed on her voyage. If, on the other hand, the loss or disability of the ship may be fairly ascribed to sea damage, the proof of the un-sea-worthiness lies on the insurers.

It is now clearly settled (in the case of *Plantamour v. Stapler*, M. 22 G. III. B. R.) that the ship may not only be changed from necessity, but the proceeds of goods saved from shipwreck may be invested in new goods, and the risk will continue on these in a new ship. If in the course of the voyage the ship be disabled by stress of weather, or other peril of the sea, the captain ought to hire another vessel for the transport of the goods, and in such case the insurers shall pay all average losses on the goods, the expence

of salvage, unloading, warehousing, and reloading, duties, and increase of freight, if any; every thing, in short, which is the necessary consequence of changing the ship.

Another condition is, that the ship must be manned, conducted, and navigated according to law; for if the captain be under any legal disability, the insurance will be void.

The sentence of a foreign court of admiralty, condemning a ship as prize on the ground that she had violated a treaty subsisting between the country to which she belonged and that by which she is condemned, is conclusive evidence that she had not sailed according to law. But it was determined (in the case *Christie v. Secretan*, 8 T. R. 192.) that if a neutral ship be condemned as enemy's property, and one of the reasons assigned for this in the sentence is, that she had not the proper documents on board; this shall not be conclusive evidence to prove that the ship had not sailed according to law.

*Deviation* is a voluntary departure, without reasonable cause, from the regular course of the voyage insured. From the moment this happens, the contract becomes void. The course of the voyage does not mean the nearest possible way, but the usual and regular course. Accordingly, stopping at certain places on the voyage is no deviation, if it be customary so to do; but such usage can only be supported by long and regular practice. *Bond v. Nutt, Cowp.* 601.

A deviation does not vitiate or avoid the policy, but only determines it from the time it takes place. *Green v. Young*, 2 Raym. 840. 2 Salk. 444. But though the insurer is after the deviation discharged from responsibility, he is entitled to retain the whole premium.

The only criterion of deviation is, whether it be voluntary or necessary. Therefore, where an insurance was made from Dartmouth to London, and the vessel put into Loo, a place she must necessarily pass, though no accident befel her in going in or coming out of Loo, but she was lost after she got again out to sea, this was held a deviation. *Fox v. Black*, at N. P. 1767, *Beaver* 315.

If there be several ports of discharge mentioned, the ship must go to them in the order set down in the



the policy, unless some usage or particular fact appear to vary the rule. *Beaton v. Harworth*, 6 T. R. 531. If the ports of discharge be not specifically enumerated, then the ship must take them in their geographical order. *Clason v. Simmons*, at N.P. 6 T.R. 533.

Clauses are frequently introduced, giving liberty to the insured to "touch, stay, trade, &c. at any ports or places" in the course of the voyage. These must always be interpreted as subordinate to the voyage insured; and, however general, they do not give the captain a power to change the voyage, but only to extend it to places in the usual course of the voyage. *Lavabre v. Wilson*, and *Lavabre v. Watson*, Doug. 271. Where there is liberty to "touch and stay" at a place, this confers not the privilege to break bulk, or unload any part of the cargo. *Stitt v. Wardel*, sittings after Mich. 1797.

Nothing will justify a deviation but necessity. A letter of marque is not at liberty to cruise after prizes; but she may give chase to an enemy that comes in her way: and it was determined, that where a letter of marque chases an enemy, loses sight of her in the night, and in the morning again engages her, this is no deviation. *Jolly v. Walker*, at N. P. East. vac. 1781. *Beauves*, 316. Sometimes a policy contains a clause, giving liberty to cruise for a certain time, in the course of her voyage. This is to be taken as only one continued period of time, and not for several periods, unless it be so expressed. *Syers v. Bridge*, Doug. 509.

The ship not only must not depart from the direct course of her voyage, but must also use reasonable expedition; for any unnecessary delay will be considered equivalent to a deviation; as was determined where a slave-ship stayed in Africa beyond the usual time for receiving slaves. *Park* 313.

When the insured intends a deviation from the direct course of the voyage insured, it is always provided for, and the policy adapted to it, unless fraud be intended. But where the voyage described in the policy is not the voyage intended, and the insured, meaning to send the ship on a different voyage, gives the captain his instructions accordingly; this is not the case of an intended deviation, but the case of a different voyage from that contracted for in the po-

licy. See *Woolbridge v. Bydell*, Doug. 18. But see also *Keuley v. Ryan*, 2 H. Bl. 343.

If the master act *bona fide*, and only aim at performing the voyage in the shortest and safest manner, a departure from the direct course will be no deviation.

The cases of necessity under which a deviation is generally defended are, stress of weather, want of necessary repair, joining convoy, escaping from an enemy, and mutiny of the crew.

As to stress of weather, a ship driven by a storm into any port out of the course of her voyage, is not obliged to return back to the point from which she was driven, but may make the best of her way to the port of her destination.

A ship was insured from Bengal to London, the adventure to commence on her arrival at Fort St. George, with liberty to stay at any ports or places. She arrived at Fort St. George in her way to England; but, being found leaky, and in very bad condition, she sailed for Bengal to be refitted, there being no means of refitting her at Fort St. George, and Bengal being the nearest place. This was held to be a necessary deviation. *Metteux v. Lond. Ass.* 1 Ark. 545.

A third cause of justifiable deviation is, when the ship is obliged to go out of her direct course in order to join convoy.

A deviation may, in like manner, be justified, if done to avoid an enemy.

And lastly, a deviation is justifiable where the captain, under the compulsion of a mutinous crew, is forced to leave the direct course of his voyage and put into port. *Elton v. Bredgen*, 2 Str. 1264.

But when a ship is compelled by any necessity to deviate from the regular course of the voyage, she must pursue the voyage of necessity, so as to reach her port of destination by the shortest and safest course she can take; and any wilful and unnecessary departure or delay, will be a new deviation, which will discharge the underwriters as much as if it had been a deviation from the original voyage. *Lavabre v. Wilson*, Doug. 271.

Loss is the injury or damage sustained by the insured in consequence of one or more of the accidents or misfortunes against which the insurer, in consideration

ation of the premium, has undertaken to indemnify the insured, and which perils are all distinctly enumerated in the policy. In our common policies they are set forth in the following words: "Touching the adventures and perils which we the assurers are content to bear, and do take upon us in this voyage, they are of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and counter-mart, surprisals, takings at sea, arrests, restraints and detainerments of all kings, princes, and people, of what nation, condition, or quality soever, bartrary of the master and mariners, and all other perils, losses and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods and merchandizes, and ship, &c. or any part thereof."

Loss is either *total* or *partial*. The term *total loss* means not only the total destruction of, but also such damage to the thing insured, as renders it of little or no value to the insured, although it may specifically remain. Thus a loss is said to be total if, in consequence of the misfortune that has happened, the voyage be lost or not worth pursuing, and the projected adventure frustrated; or if the value of what is saved be less than the freight, &c.

A *partial loss* is any thing short of a total loss. Thus, if a ship insured for a particular voyage arrive at her port of destination, and there remain 24 hours, moored in safety, or if she be insured for a term, and survive the term, no injury which she could have sustained during the voyage in the one case, or during the term in the other, however great, can amount to a total loss. So, in the case of an insurance on goods, the insurer contracts that they shall arrive safe at the port of delivery. If they specifically remain, and are landed at the port of delivery, however damaged in the voyage, the injury will only amount to a partial loss; being of the nature of those losses which are the subject of average contributions. Partial losses are sometimes stiled average losses.

*Losses by perils of the sea.* These are generally understood to be such accidents or misfortunes as proceed from sea-damage; that is to say, such as arise from stress of weather, winds, waves, lightning, tempests, rocks, sand, &c. This sort of loss may happen by the ship's foundering at sea; and then it must, in most cases, be a total loss. It may be by stranding,

either accidental, where the ship is driven on shore by the winds and waves; or voluntary, when she is run on shore, either to preserve her from a worse fate, or with a fraudulent purpose. If the stranding be followed by shipwreck, then it becomes a total loss; if she is got off and rendered fit to continue the voyage, it is a partial and general average loss. It may also happen from the ship striking on a sunken rock, which may occasion the springing a leak, or absolute shipwreck.

If a ship be not heard of for a reasonable time, she shall be presumed to have foundered at sea, and the insured has a right to recover as such of the underwriters, *Green v. Brown*, 2 Str. 1199. *Park* 63.

In France, after a year from the ship sailing on common voyages, and two years on distant voyages, the insured have a right to abandon and demand payment without any other proof of the loss. In Spain, if a ship has not been heard of for a year and a half on a voyage to or from the Indies, she is deemed lost; but in England there is no specific limitation of time.

If a ship be driven by stress of weather on an enemy's coast, but not materially damaged, and she be there captured, this is not a loss by the perils of the sea, but by capture, and for this the insured may recover on a policy of capture only. *Green v. Elmstie*, *Peake* 212. Yet it has been holden that capture is a loss by the perils of sea, as much as if it were occasioned by shipwreck or tempest, 2 *Rol. Ab.* 248. Pl. 10. *Comb.* 56. 1 *Show.* 322. A ship destroyed by the worm was ruled by Lord Kenyon not to be within the covenant of loss by the perils of the sea, and there was a verdict for the defendant. *Rhol v. Parr*, *Esp.* 444.

The insurer is not answerable for any damage to the ship occasioned by the ordinary service she is engaged in; as if a cable break by the friction of the rocks, and the anchor be lost, the insurers are not liable; but if by some extraordinary accident, or the violence of the winds or waves, it become necessary to slip a cable, or a cable be broke, and an anchor lost, this is a loss by the perils of the sea, within the policy. If animals be insured, their death, occasioned by tempest, shot of the enemy, jettison in a storm, or any other extraordinary accident, is a loss within the policy, but not so if occasioned by disease.

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Where a ship is damaged by running foul of another, it is a loss within the policy, unless occasioned by the misconduct of the master or mariners of the ship insured: but in the latter case the misconduct of the master or mariners would appear to amount to barratry, and in that point of view the insurers be liable for the loss. An action, however, would lie against the master of either ship, to whom negligence or misconduct is imputable, for the loss he has occasioned.

A loss by fire which is merely accidental, and not imputable to the master or mariners, is undoubtedly within the policy. If a ship be burnt by order of the state where she happens to be, to prevent infection, this also has been held a loss within the policy.

If a ship be attacked by an enemy, and the captain, unable to defend her, leave and set fire to her to prevent her from falling into the enemy's hands, the insurer is said to be liable.

*Capture* is where a ship is taken by an enemy in war, or by way of reprisals, or by a pirate. Capture may be with an intent to possess the ship and cargo, or only to seize the goods on board as contraband: the former is a capture, the latter only an arrest or detention. Every capture, whether lawful or unlawful, is within the policy; provided the words of the policy be sufficiently comprehensive. Where the ship is recaptured before abandonment, it is a partial loss; and the insurer is bound to pay the salvage, and other necessary expences the insured may have incurred to recover his property. In general, wherever a ship is taken by the enemy, the insured may abandon, and demand as for a total loss: but he is not bound to abandon; if he do, the insurer, in case of recapture, will stand in his place, and is liable for all fair charges occasioned by the capture.

Where a ship warranted neutral is captured as an enemy's ship, and the owners, after an interlocutory decree against them, agree to a compromise; this being done *bona fide*, the insurer is liable for the sum paid by the insured under such compromise. *Berens v. Rucker*, 1 Bl. 313.

If the produce of an enemy's country be brought from thence in barks, and put on board a neutral ship, this is the same as if the goods had been shipped from the shore in a neutral port; but a neutral

ship, trading to an enemy's colony with all the advantages of an enemy's ship, is liable to capture.

By statute 22 Geo. III. c. 35, it is declared unlawful to ransom any British ship taken by the enemy, and all contracts or securities to that purpose are declared null; besides a penalty of 500l. for every offence against the act being given to the informer.

By stat. 33 G. III. c. 66. s. 4, if a ship be recaptured before she be carried into an enemy's port, she may, with the consent of the recaptors, prosecute her original voyage; and the recaptors shall not be obliged to proceed to adjudication till after six months or the return of the ship.

*Loss by detention of princes, &c.* There is an obvious difference between this and capture; the object of the one is prize, that of the other detention, with a design to restore the ship or goods detained, or pay the value to the owner: and though neither of these should be done, still it must be considered as the arrest of princes, the character of any action depending on the original design with which it was done. An arrest of princes may be at sea, as well as in port, if it be done from public necessity, and not with a view to plunder.

When a ship is detained in port after a declaration of war, or issuing letters of reprisal, this more resembles a capture than a detention, and gives the insured an immediate right to abandon.

If a neutral vessel be taken at sea, on pretence that she is an enemy, this is a capture, because it is done as an act of hostility; but if she be unlawfully arrested, under pretence that she committed some offence against the law of nations, this is an arrest of princes. In the case of a ship seized for navigating against the laws of a foreign state, not paying customs, &c. this shall not be deemed a loss by detention of princes; though perhaps it may amount to barratry of the master.

The most frequent cause of detention is an embargo; which is an order of state, usually issued in time of war, or threatened hostilities, prohibiting the departure of ships or goods from some or all of the ports of such state, till farther orders. This, whether legal or not, is a detention within the policy. By the word *people* in the policy is meant the force of the nation, not a mob of lawless rabble; a ship seized by

them

them is a loss by pirates, not by the detention of a people. *Neibit v. Lushington*, 4 T. R. 783. If a ship be seized by authority of the British government, this is a detention within the policy, for which the insurer is liable. *Green v. Young*, 2 Raym. 640. Salk. 444. A neutral ship and stores, being insured at and from an enemy's port, and an embargo being there laid on by the enemy, this is an arrest of princes; and, if the embargo continue, the insured may abandon, and recover as for a total loss. *Rotch v. Edie*, 6 T. R. 425. If a ship be seized after a cessation of arms, and preliminaries of peace are signed, this is not a capture, but only a detention of princes. *Spencer v. Franco*, *Beaves* 316.

*Loss by barratry.* Barratry is any species of fraud committed by the master or mariners, whereby the owners sustain an injury; as by running away with the ship, wilfully carrying her out of her course, sinking or deserting her, embezzling the cargo, smuggling, or any other offence, whereby the ship or cargo may be subjected to arrest, detention, loss, or forfeiture. No fault of the master or mariners amounts to barratry, unless it proceed from an intention to defraud the owners; therefore a deviation, if made through ignorance, unskillfulness, or any other motive which is not fraudulent, although it will avoid the policy, does not amount to barratry. *Phyn v. Roy. Ex. Assur.* 7 T. R. 505. A deviation occasioned by the disobedience of the seamen, and their compulsion of the captain, has also been holden not to be barratry, where not done with an intent to defraud the owners. *Elton v. Brogden*, 2 Str. 1264. And yet, where a captain cruised in quest of prize contrary to his orders, this was deemed barratry, though done for the benefit of the owners. *Moss v. Byrom*, 6 T. R. 379.

Barratry can only be committed by the master and mariners by some act contrary to their duty, in the relation they stand to the owners of the ship; therefore an owner cannot himself commit barratry, nor can it be committed with his consent. Thus, if a ship is engaged to carry goods straight to Marseilles, but instead of going thither direct she goes first to Genoa and Leghorn; this being done by the authority of the owner, and for his benefit, it is not barratry. *Stamma v. Brown*, 2 Str. 1173. Again, after bills of

lading are signed by the captain, and delivered to the owner of goods, the captain, at the desire of the owner, signs new bills of lading, changing the destination of the ship; and by this contrivance the goods are sold for the use of the owner of the ship, in fraud of the owner of the goods; but this being done with the concurrence of the owner, was held not to be barratry. *Nott* and others, assignees of *Hague*, v. *Baurdieu*, 1 T. R. 323.

If the master be also the owner, even although he has mortgaged the ship, he cannot commit barratry; but either in this case, or where the captain is the insured, the insurers may be liable for the barratry of the sailors, in which he has no part. Where a ship is let out to freight generally, the freighter being considered as the owner for that voyage, a deviation for an illegal purpose, without the knowledge or consent of the freighter, will be barratry, though with the consent of the original owners. *Vallejo v. Wheeler*, *Cowp.* 143. Though barratry must be strictly proved, yet proof of this is *prima facie* evidence, without shewing negatively that he was not the owner. *Ross v. Hunter*, 4 T. R. 33. See general article *Barratry*.

*Loss by average contributions.* The goods on board are in proportion to their respective interests, towards any particular loss or expence incurred for the general safety of the ship or cargo, so that the particular loser may not be a greater sufferer than the other owners of goods. Thus, where the goods of a particular merchant are thrown overboard to lighten the ship; where the masts, cables, anchors, or other furniture of the ship are cut away or destroyed for the safety of the whole; where money or goods is given as a composition to pirates; where damage is sustained in defending the ship against an enemy or pirate; where an expence is incurred for physic and attendance in curing the seamen wounded in defence of the ship, or in a lawsuit before a foreign court of admiralty for her defence or recovery: in these and similar cases the loss is the proper subject of a general contribution, and ought to be rateably borne by the owners of the ship, freight, and cargo, so that the loss may fall proportionably on all.

This is termed general or gross average, to be distinguished from what is often but improperly termed particular average, but which, in truth, means a particular,



ticular, and not a general loss, and has no affinity to average properly so called. There are also small charges called petty or accustomed averages, such as pilotage, towage, light money, river charges, digging the ship out of the ice, &c. These charges when incurred in the ordinary course of the voyage, are not considered as a loss within the meaning of the policy, but are borne, one-third by the ship, and two-thirds by the cargo; but if incurred for any extraordinary purpose in the voyage, as to provide against any impending danger, or in consequence of the ship being driven out of her course by stress of weather, then they will be deemed general average.

General average can only be claimed where the sacrifice was absolutely necessary, and where it appears to have conduced to the safety of the ship. Thus, if a pirate having made himself master of the ship, take only the goods of a particular person, or if some particular goods be damaged in a storm, the rest shall not be contributory. So, if on the apprehension of an attack of an enemy some goods are landed, and the rest taken, the owner of the goods taken shall not have average of the goods saved; for the salvage of this is not the cause of the taking of the rest, neither was the taking of those the cause of the salvage of the goods saved. It is also necessary to constitute average, that the rest of the cargo were actually saved; for should goods be thrown overboard in a storm, and the ship afterwards perish in the same storm, there shall be no contribution of the goods saved, if any, the object of throwing the goods overboard not having been obtained; but if in continuing the course the ship should afterwards be lost, then any of the goods saved must contribute to the loss sustained by the jettison. On the same principle, if goods put into lighters to enable a ship to get up a river be lost, the rest shall contribute; but if the ship be lost, then the goods in the lighters shall not contribute.

On a policy on the ship, the wages of the ship's company while she was under repair, not occasioned by any extraordinary accident, cannot be recovered from the insurers, *Park* 125. If a ship be obliged to put into port to repair, the expence of unloading and reloading the cargo, and the expences of the repair, are the subject of a general average. But no injury, occasioned by mere sea damage, can properly give a

right to general average; as if the ship be damaged in her hull or her rigging. And if a ship spring a leak in a storm, by which the goods on board are spoiled, this is a simple or particular average, or particular loss, and not subject to an average contribution.

As to the articles liable to contribute, the rule is, that the ship, freight, and every thing remaining of the cargo, is subject to this charge; therefore, money, plate, and jewels are as much liable as more heavy and bulky goods. But the persons on board, their wearing apparel, and the jewels belonging to it, shall not contribute; neither are seamen's wages liable to contribute.

If the ship escape the danger which made the sacrifice necessary, and arrive at her port of destination, the captain should regularly enter and extend his protest, and he, with some of the crew, make affidavit of the facts. The average should then be settled, and be paid before the cargo is landed, the owners having a lien on the goods on board both for the freight, and to answer all necessary averages and contributions, otherwise the sufferers have a remedy against the captain or owners, for neglecting to adjust or collect the average.

*Loss by the expence of salvage.* At common law the party has a lien on every thing saved, till payment of salvage; but the regulations now principally in force are ascertained by acts of parliament. By 12 Anne, stat. 2. c. 18, persons employed in the salvage of ships, &c. shall within thirty days be paid a reasonable reward by the commander, mariners, or owners, otherwise the ship, &c. so saved, to remain in custody of the collector of the customs, until all charges be paid, and all persons so employed be reasonably rewarded. In case of difference as to the quantum, it is to be determined by three neighbouring justices. In case no claimant shall appear to the goods saved, then the chief officer of the customs of the nearest port shall apply to the nearest justices, who are to put some responsible person into possession of the goods, and if they be not legally claimed within twelve months, they shall be publicly sold; or, if perishable, immediately sold, and the produce transmitted to the exchequer, for the benefit of the owner. By the 26 Geo. II. c. 19, persons not employed in the salvage, who shall save any ship or

goods, or give notice of any goods unlawfully bought, sold, or concealed, shall be entitled to salvage. By the same act, the nearest magistrate, collector of the customs, or chief constable, shall call a meeting of the sheriff, magistrates, &c. five of whom may employ persons for saving ships and goods, and adjust the quantum of salvage. And if the salvage be not paid, or security given, within forty days, the officer of the customs shall raise money by bill of sale of the ship or goods saved, redeemable on payment of the principal, and four per cent interest. By the 33 Geo. III. c. 66, ships recaptured at any time shall pay, if retaken by men of war, one eighth, and if by privateers, one sixth of salvage; if retaken by them jointly, the judge of the admiralty to proportionate the salvage. But if the recaptured ship shall appear to have been set forth by the enemy as a ship of war, she shall be lawful prize to the captors.

The insured need not in his action declare for salvage, but may recover under a declaration, for the loss which occasioned it, and the damage the goods have sustained. In case of neutral ships captured by the enemy, and retaken by British men of war, or privateers, the court of admiralty has a discretionary power of adjusting the salvage. Before an action will lie for a loss by payment of salvage, the amount must be ascertained by decision of the court of admiralty.

*Abandonment.* The insured may abandon in every case where, in consequence of any of the perils insured against, the voyage is lost, or not worth pursuing; where the thing insured is so damaged as to be of little or no value to the owner, where the salvage is immoderate, where what is saved is of less value than the freight, or where further expence is necessary, and the insurer will not undertake to pay that expence, &c.

Capture by an enemy or a pirate, an arrest of princes, or even an embargo, is *prima facie* a total loss, and the insured may immediately elect to abandon, and give notice to the insurer of his intention so to do, which entitles him to claim as for a total loss. But as the insured cannot abandon till he has received advice of the loss; if at the time he receives such advice, or before he has elected to abandon, he receive advice that the ship or goods are recovered, or in safety, then he cannot abandon. If a captured ship be retaken, and permitted to proceed on her voyage,

so that she suffers but a small temporary inconvenience, this would be a partial, not a total, loss. On the other hand, a title to restitution on recapture does not always, or necessarily deprive the insured of the right to abandon; for if from the capture the voyage be lost, or not worth pursuing, and the salvage very high, or the insurer will not undertake to pay the future expence, the insured may abandon. If the thing insured be recovered before the loss be paid, it will be total or partial, according to the final event; that is, according to the state of the case when the claim is made. But if after a total loss has been paid, the thing insured be recovered, the insured shall not be obliged to refund. The insured may abandon if the voyage be defeated, or not worth pursuing; but he cannot merely by abandoning turn a partial into a total loss. And though there may have been at one time a total loss, yet the insured cannot abandon after the final event has determined it to be only a partial loss, at the time of the action brought. As the insured is in no case obliged to abandon, so no right to a total loss can be vested in him till he has made his election. The plaintiff on a policy can only receive indemnity according to the nature of his case at the time of the action brought, or at most, at the time of his offer to abandon. If on a recapture, the captain sell the ship and cargo, as being the best to be done for all concerned, the insured may abandon. *Mills v. Fletcher, Douglas 219.* On the other hand, if the captain purchase the ship from the captors, on account of the owners, the money paid being in the nature of a salvage, is only a partial loss. *McMasters v. Shoalbred, Esp. Rep. 237.*

*Shipwreck* is generally a total loss. What may be saved of the ship or cargo is so uncertain, that the law cannot distinguish this from the loss of the whole. The wreck of the ship may remain, but the ship be lost. A thing is said to be destroyed, when it is so broken, disjointed, or otherwise injured, that it no longer exists in its original nature and essence. So goods may remain; but if no ship can be procured in a reasonable time, to carry them to the place of their destination, the voyage is lost. But a mere stranding of the ship is not of itself a total loss; it is only where the stranding is followed by shipwreck, or the ship is otherwise incapable of prosecuting her voyage.

No partial loss, however great, can be turned into a total loss. Thus a ship performed her voyage, and arrived at the place of her destination, but so damaged that she was not worth repairing; but as the damage was only estimated at 48 per cent. this was held not to be a total loss, which entitled the plaintiff to abandonment. *Cazalet v. St. Barbe*, 1 T. R. 187. A ship insured for six months, receives great injury within the time, and the captain being unable to get her repaired, sells her after the time, this is not a total but a partial loss. *Journeaux v. Bradley*, B. R. East, 20 Geo. III. Park 166. In like manner a privateer, insured for four months, free from average, and forced into port by a mutiny of the crew, but in safety at her port after the four months are expired, the insured can recover for no less; not for an average loss, because the insurance was free from average; and not for a total loss, because it was only an average loss. *Fitzgerudd v. Pele*, 5 Bro. Parl. Cas. 131. *Willes* 641. But if by any accident or misfortune the ship be prevented from proceeding on her voyage, and the voyage be thereby lost, this is a total loss, not only of the ship and freight, but also of the cargo, if no other ship can be procured to carry it to the place of its destination. *Manning v. Newnham*, B. R. Tr. 22 Geo. III. MS. S. C. Park 169.

With respect to the time within which the insured must abandon, the rule is, that as soon as he receives advice of a total loss, he must make his election whether he will abandon or not. If he determine to abandon, he must give the underwriters notice within a reasonable time after the intelligence arrives, and any unnecessary delay will amount to a waiver of his right to abandon, and reduce it to a partial loss, whatever be the extent of the damage. *Mitchell v. Edie*, 1 T. R. 608. *Allwood v. Henkle*, at N. P. B. R. after Mich. 1795, Park 172.

If the underwriters demand an abandonment of more than they have insured, this need not prevent the insured from abandoning to the amount of the sum insured; but if he neglect to do so, he cannot recover as for a total loss. *Harelock v. Rockwood*, 3 T. R. 268. But if by any interference of the underwriters, the insured be actually prevented from abandoning, they shall pay the whole amount of the sum insured. Thus a total loss having happened, the insured proposes to abandon, but is dissuaded by the

underwriters, who order the ship to be repaired, but afterwards refuse to pay for the repairs, and the ship is therefore obliged to be sold; here the insurers are liable for all the loss sustained to the amount insured. *Da Costa v. Newnham*, 2 T. R. 407.

In order to an abandonment, no protest is necessary in England, as it is in some foreign countries; nor is there any particular form or solemnity of the abandonment; it is only required to be explicit. The notice may be given either to the underwriter himself, or to the agent who has subscribed for him; and this is necessary though the ship and cargo were sold and converted into money before the notice of loss was received. If the insurance be entire, the insured cannot abandon for part only; but if the same person insures his goods by different policies, or if in the same policy they be separately valued, he may abandon any separate part, and retain the rest; or he may abandon either ship or cargo, if separately valued, but not if insured for one entire sum. The abandonment must be simple, unconditional, and absolute.

In England freight being insurable separately from the ship, the abandonment of the ship does not transfer to the insurer the freight she has earned. Where the insurance is for less than the value of the thing insured, the abandonment is in the same proportion. Thus if goods of the value of 5000l. be insured only to the amount of 4000l. and a total loss happen, the insured shall only abandon four-fifths of what is saved; the remaining fifth will belong to himself, and for it he will be tenant in common with the insurers. So if goods be partly insured, and money be borrowed on *respondentia* for the residue, the insurer will have the legal title to what is abandoned, and the lender an equitable claim for his proportion.

If after the loss is paid, compensation is made to the owner for the loss sustained, this compensation shall go to the underwriters. *Randall v. Cochran*, in Chanc. 1 Ves. 98. If the ship, after abandonment, arrive safe, the insurer shall have all the profits of the voyage, and the insured is entitled to nothing, except for so much as was uninsured; but they cannot compel the insured to take back the thing insured, and refund the money. An abandonment once properly made, on sufficient ground, and accepted by the insurers, is absolute and binding on both

parties, and can only be revoked by mutual consent.

In the event of shipwreck, or other misfortune, the effects saved continue till abandonment of the property of the insured, who is bound in justice and honour to use his best endeavours to rescue them from destruction. To enable him to do this, our policies provide that in case of any loss or misfortune to the insured, their factors, servants and assigns shall be at liberty to sue and labour about the defence, safeguard and recovery of the goods and merchandizes, and ship, &c. without prejudice to the insurance; to the charges whereof the insurers agree to contribute each according to the rate and quantity of his subscription. This establishes that till the insured have received advice of the loss, no act of the captain shall prejudice their right to abandon. From the nature of his situation, the captain has an implied authority, not only from the insured, but also from the insurers, and all others interested in the ship or cargo, in case of misfortune, to act according to his discretion for the benefit of all concerned, and they are all bound by his acts. *Mills v. Fletcher, Doug.* 219. For whatever is recovered of the effects insured the captain is accountable. If the insured neglect to abandon when he has it in his power to do so, he adopts the acts of the captain, and is bound by them. If, on the other hand, the insurers, after notice of abandonment, suffer the captain to continue in the management, he becomes their agent, and they are bound by his acts. Sailors are bound to assist in saving and preserving the ship and merchandize when a misfortune happens; and while they are so employed they are entitled to wages, so far, at least, as what is saved will allow; but if they refuse to assist, they shall have neither wages nor reward.

*Adjustment of loss.* In settling the amount of the indemnity which the insured is entitled to, and fixing the proportion to be paid by each underwriter, the general rule is, that the contract of insurance should not be lucrative to the insured, nor enable him to make a profit out of the loss of another, and he is entitled only to a fair indemnity, according to the damage sustained and the sum insured.

In case of a total loss, where the insured abandons, and the policy is a valued one, he is entitled to reserve the whole sum insured, subject to such de-

ductions as are enumerated in the policy. It is only in the case of a total loss that there is any difference between an open and a valued policy. In a valued policy the value is admitted, and the insured has only to prove that the goods insured were on board. On an open policy it is moreover necessary to prove their value. But with respect to a partial loss the like inquiry is to be made of the amount in either sort of policy. 2 *Burr.* 1171.

When the loss consists in the total loss of one entire individual parcel of the goods insured, and this is capable of a several and distinct application; as if, out of 100 hhds. of sugar, ten happen to be lost and the rest arrive safe, the insurer must pay the value of the ten. 2 *Burr.* 1170. When part of the goods is saved, exceeding the amount of the freight, the practice is to deduct the freight from the salvage, and make up the loss on the difference; where the freight exceeds the salvage, it is a total loss. *Boydell v. Brown, 2 Str.* 1065. But where all the goods are damaged, it is necessary to ascertain the quantum of such damage, which is done by taking the value of the goods in their damaged state, and deducting it from the prime cost. If several articles be insured for one entire sum, but each distinctly valued, and only one be put in risk, if that one be lost, the insured shall recover such a proportion of the sum insured as the value of that article bore to the whole. *Amery v. Rogers, Esp. Rep.* 207.

With respect to ascertaining the value of the goods, diversities of opinions have been at various times prevalent; but it is now an invariable rule to estimate a total loss, not by any supposed price which the goods might have been deemed worth at the time of the loss, or for which they might have been sold at their market, but according to the invoice price, and all duties and expences till put on board, and the premium of insurance. *Dick v. Allen, Park* 104. Whether is the difference of exchange to be regarded in the adjustment, for the underwriter does not insure against any loss arising from such causes. *Thellusson v. Bewick, Esp.* 77. In cases of general average the things saved contribute not according to the prime cost, but according to the price for which they may be sold at the time of settling the averages.

A ship is valued at the sum she is worth at the time she sails on the voyage insured, including the ex-



pences of repairs, the value of her furniture, provisions and stores, the money advanced to the ship's company, and in general every expence of outfit, besides the premium of insurance.

A partial loss of either ship or goods is that proportion of the prime-cost which is equal to the diminution in value occasioned by the damage. In a case on a valued policy upon goods, it was determined that the diminution in value was that proportion of the value in the policy, which the difference between the price in the sound and the price of the damaged bore to the price of the sound at the port of delivery. *Lewis v. Rucker*, 2 Burr. 1167. If the value of the policy exceed the interest of the insured, the loss is adjusted in the same manner as if the policy were an open one, and the computation must be made by the real interest on board, not by the value in the policy. *Le Cren v. Hughes*, B. R. E. 22 G. III. MS.

The question here was, by what rule or measure the average was to be calculated. It was contended on the part of the plaintiff, that as a policy of insurance was a contract of indemnity, and that as the underwriters, for a certain premium, undertook to indemnify him against any loss to that cargo, if part of it came to the market sound, and another part came in a deteriorated state, he had a right to consider the invoice price of that which was in a deteriorated state, to consider its value at the port of destination, compared with that which was in a sound state, and from thence to draw the average: and on the other hand, it was insisted that the whole of the cargo, sound and unsound, ought to be brought into hotch potch, and then consider what the loss would be.

After much discussion, Mr. Oliphant, a respectable merchant, who stated that he had been in the constant habit of settling average losses, produced a settlement of the average loss in question under his own hand, from which it appeared that the whole invoice price of the cargo was 1352l. without premium and costs. When these were added the amount was 1765l. The principle on which he founded this settlement was as follows. The insured stood covered only for their invoice amount, and for the premium and charges incurred on that at the time of shipping.

To ascertain this loss Mr. Oliphant said it was necessary to learn what the value of the damaged goods

was at the time, and what they would have been worth if they had arrived sound. "I consider it necessary (said Mr. Oliphant) to determine this before any duty or subordinate charges are incurred, because whatever additions may be made posterior to the termination of the risk tending to enhance the price, have, in my opinion, nothing to do with the average. The additional price is a mere reimbursement of my advances; by deducting these therefore from the gross price, I find the true value of the commodity. It is impossible to ascertain the quantum of the damage but by comparing the price of the sound and unsound commodity at the port of delivery, and then comparing that difference with the invoice price, in order to ascertain what proportion of it it amounted to. I only use the market to ascertain the quantum of damage. If the sound goods are worth 1000l. and the damaged were worth 500l., I demand only one-half, that is, of the invoice or original price."

In making his calculation Mr. Oliphant asserted he had gone on the most strict and liberal manner, according to Lord Mansfield's opinion in the case of *Lewis and Rucker*, and invariably protected the underwriters against the effect of the market. If the whole of the duties, freight, and other charges were added to the damaged, which were added to the sound, it would diminish the average very considerably. An article might be delivered to him diminished in its intrinsic value only one-fifth, but that was not *his* damage. His damage was determined by what came net into his pocket from the damaged goods, compared with what he would have received net if they had been sound, and taking such a proportion as they have to each other out of the sum insured.

Lord Kenyon said that the ground upon which Mr. Oliphant went was extremely clear, and appeared to be admitted by the parties on both sides, and the plaintiff obtained accordingly a verdict.

If there be a clause to be free of average from a particular risk under so much per cent., and a loss occasioned by that risk takes place, the proportion which the loss bears to the cargo must be calculated on the cargo which was on board when the loss happened. *Rhal. v. Parr*, Esp. Rep. 444.

These principles of calculation relative to the adjustment of average loss, were fully discussed and settled

in the case of *Johnstone v. Sheddin*, sit. after Trinity Term, 40 G. III. at Guildhall, before Lord Kenyon.

The adjustment being made, is usually indorsed on the policy and signed by the underwriters, with a promise to pay at a particular time. This is *prima facie* evidence against them, and, if not impeached, sufficient to enable the insurer to recover without any other proof. *Hog v. Gaudiney*, at N. P. after Trin. 1754. *Beaver v. Rodgens v. Mayler*, at N. P. after Trinity 1790. *Park* 118.

The mode of adjusting averages is now under consideration at Lloyd's, and the committee appear to coincide with Lord Kenyon in giving the preference to the mode acted upon by Mr. Oliphant.

*Return of premium.* The premium is to be returned in all cases where the contract is void for want of interest; which may be either total, as where the insured has nothing on board the ship; or partial, where he has some interest, but not to the amount in the policy; and it is a general rule, that wherever insurance is made through mistake, misinformation, or other innocent cause, without interest, or for more than the real interest, there shall be a return of premium. If by several policies, made without fraud, the sum insured exceeds the value of the effects, the several policies in effect make but one insurance, and will be good to the extent of the true interest of the insured; and, in case of loss, all the underwriters on the several policies shall pay according to their respective subscriptions; and, in like manner, all will be entitled to a return of premium for the sum insured above the value of the effects, in proportion to their respective quotas. On a wager policy the insured cannot recover back the premium, at least after the risk is run. This policy is void, as being without interest, but both parties being guilty of a breach of the statute (19 Geo. II. c. 37), the rule, that where both parties are equally criminal the possessor has the advantage, applies, and the insured cannot recover back the premium. *Laurie v. Bourdieu*, Doug. 451. In this case, however, Mr. Justice Buller agreed with the other judges, that it was a gaming policy and without interest: but he held, that the reason why the plaintiff could not recover was, that an action brought to rescind a contract must be

brought while the contract continues *executory*; that in this case the plaintiffs waited till after the risk was run, when it was too late; had they brought their action before the risk was over, they might have recovered.

It has since been determined, that if the contract be void, as being a re-insurance within the stat. 19 G. II. c. 37. s. 4, the insured shall not be entitled to return of premium. *André v. Fletcher*, 3 T. R. 266. If at any time the insurer could have been called on to pay the sum insured, there is no return of premium: so in the case of a valued policy, though the sum in the policy be double the value of the effects insured, there shall be no return of premium. And captors, having an insurable interest in their prize before condemnation, if they insure, shall not have a return of premium, though it should afterwards be adjudged a prize. *Boehm v. Bell*, 8 T. R. 154.

Though an insurance to protect a trading with the enemy is void, the insured shall not recover back the premium: this has been adjudged on the same principle as the insurance on a gaming policy, namely, that both parties being equally criminal, the possessor has the advantage. *Vandyk v. Hewitt*, 1 East. 96.

If the contract be void, on account of a non-compliance with any warranty, express or implied, as, if the ship do not sail on the day prescribed, or be not sea-worthy, and there be no fraud imputable to the insured, he shall be entitled to a return of premium.

If the policy be void for fraud on the part of the insurer, there can be no doubt but an action will lie for a return of the premium, as in the case of an insurance made on a ship, when the insurer, at the time of the contract, knows of its safe arrival; *Carter v. Boehm*, 3 Burr. 1909: but the whole court were of opinion, that in all cases of actual fraud on the part of the insured, committed either by himself or his agent, the underwriter shall retain the premium.

It is a general rule in this country, that if the risk be not begun, from whatever cause, the premium shall be returned; but, where the voyage is divisible into several distinct risks, and which in fact is several voyages, the premium may be apportioned according to these several risks, and for any of them not commenced

commenced the proportion of premium applicable to them shall be returned. *Retwell v. Cooke, 1 Pul. and Bar. 172.* In a case where a ship was insured at and from Jamaica to Liverpool, warranted to sail on or before the 1st of August, premium 10 guineas per cent. to return 8 guineas if she sailed with convoy; she did not sail till September. It was determined, that the insured should be entitled to 8 guineas per cent. for convoy, and not to an apportionment of the rest of the premium, the risk not being divisible. *Meyer v. Gregson, B. R. East. 24 G. III. MS. Marshal 568.* The following case, however, seems greatly to have shaken the preceding one. Goods were insured "at and from Jamaica to London, warranted to depart with convoy, and sail on or before the 1st of August, at a premium of 12 guineas per cent." The ship sailed from Jamaica to London on the 31st of July, without convoy, whereby the underwriters became discharged from the remaining risk. An action was brought for the return of premium, and proof having been brought in this case (which was not done in *Meyer v. Gregson*) of a usage in insurance at and from Jamaica to London, warranted to depart with convoy, to sail on or before a certain day, to return the premium, deducting one half per cent. if the ship sailed without convoy; on this the court ruled, that the insured should recover the residue of his premium. *Long v. Allen, B. R. East. 25 G. III. MS. Marshal.* But if the risk be entire and be once commenced, there shall be no return. *Bermon v. Woodbridge, Doug. 751.* In like manner, if the insurance be for a term specified, and for one entire premium, if the risk be begun, and an event happen immediately afterwards to determine the contract, there shall be no return of the premium. Thus a ship insured for 12 months, and warranted free from capture or seizure, is captured within two months; there shall be no return for the residue of the term. *Tyne v. Fletcher, Corp. 666.* A ship insured against capture for 12 months is lost in a storm within two months, the premium is 9 per cent. expressed to be "at and after the rate of 15s. per month;" yet there shall be no return of the premium. *Loraine v. Tomlinson, Doug. 564.*

If part of the premium be to be returned on the performance of a particular stipulation, as an insu-

rance on goods, so much to be returned, "if the ship sail with convoy and arrives;" this shall be returned, though the insurer be obliged to pay any partial loss on those goods, provided the ship arrives. *Simud v. Bydell, Doug. 255.* A ship is insured at 12 guineas per cent. to return six if she sail with convoy from the coast of Portugal and arrive. She sailed with convoy from Oporto to Lisbon, which was the place of general rendezvous of the whole trade bound for England, in order to proceed from thence. The ships going from Oporto to Lisbon being dispersed in a gale, the ship insured ran for England, and arrived. It was determined that this sailing with convoy was a sailing with convoy from the coast of Portugal, so as to entitle the insured to the return of 6 per cent. of the premium. *Andley v. Duff, 2 Pul. and Bar. 11.*

It is therefore a general custom throughout Europe, to allow one half per cent. which is allowed to the insurer where the contract is void from some radical defect, provided this was unknown to him when he entered into the contract: but if he was informed of the fault, or must have known it before subscribing the policy, he can have no claim to this allowance.

**INSURANCE AGAINST FIRE** An insurance against fire is a contract by which the insurer undertakes in consideration of the premium, to indemnify the assured against all losses which he may sustain in his house or goods, by means of fire, within the time limited in the policy. A considerable number of companies have been established in London and other parts of the kingdom for insurances against fire; of these some are called *Contribution Societies*, in which every person insured becomes a member or proprietor, participating in profit and loss; such as the *Hand in Hand*, and the *Westminster Fire-Office*, for the insurance of houses and other buildings; and the *Union Fire Office*, for insurance of goods. The other companies insure both houses and goods at their own risk.

The conditions upon which the insurance offices grant insurances are contained in their proposals, by which every one who insures is considered as agreeing to be bound; and, as in insurances for lives, these also vary according to the policies of the respective offices.

The London Assurance Company inserts a clause, that they will not hold themselves liable for any damage by fire occasioned by any invasion, foreign enemy, or any military or usurped power whatever. Under which it has been held, that the insurers were not exempted from, but liable to make good, a loss by fire occasioned by a mob which arose under pretext of the high price of provisions, and burned down the plaintiff's malting-house. *Drinkwater v. London Assurance*, 2 Wils. 363.

The Sun Fire Office adds *civil commotions*; and it was held, that under these words the company was exempt from losses occasioned by rioters, who rose in the year 1780 to compel the repeal of the statute made in favour of Roman Catholics. *Langdale v. Mason* and others, 2 Marshall 689.

The Phoenix Fire Office has a clause, that the insured, to entitle him to recover, shall produce a certificate of the minister and churchwardens as to his character, and their belief of the loss sustained, &c.; which clause has been held to be in law a condition precedent; and that the insurers are not liable, unless the terms are strictly complied with. *Wood* and others, assignees of *Lockyer* and *Bream*, v. *Worsley*, 2 H. Bl. 574. 6 T. R. 710.

When a loss happens, the insured is bound by the proposals of most of the societies; and ought, in all cases, to give immediate notice of the loss, and as particular an account of the value, &c. as the nature of the case will admit.

These policies are not in their nature assignable, nor can the interest in them be transferred without the express consent of the office, contrary to what has been determined in the case of marine insurances. 1 T. Rep.

It is however provided, that when any person dies, the interest shall remain to the heir, executor, or administrator respectively, to whom the property belongs, provided they procure their right to be endorsed on the policy, or the premium be paid in their names.

It is necessary that the party insured should have an interest in the thing insured at the time of offering the policy, and at the time the fire happens; and therefore, after the lease of the house expires, if the insured assigns the policy, that does not oblige the

insurers to make good the loss to the assignee. 2 Atk. 554.

*Of the risk.* In general the risk commences from the signing the policy, unless some other time be specified. Insurances are in general annual, or for a term of seven years, at an annual premium; and the offices, as an indulgence to the insured, generally allow 15 days from the expiration of each year for the payment of the premium for the next succeeding year: but the insured has always been considered as being under the protection of the policy until the expiration of the 15 days, provided the premium were paid within that time.

The printed proposals of the Sun Fire Office, contain the following regulation: "On bespeaking policies, all persons are to make a deposit for the policy, stamp duty, and mark; and shall pay the premium to the next quarter day, and from thence for one year more at least; and shall, as long as the managers agree to accept the same, make all future payments annually at the said office, within 15 days after the day limited by the respective policies, upon forfeiture of the benefit thereof; and no insurance is to take place till the premium be actually paid by the insured, his, her, or their agent or agents." But it has been determined, that if the insured in a policy agrees to pay the premium half yearly, within 15 days of the expiration of the former half year, and a loss happen within the 15 days, but before the renewed premium is paid, the insurers are not liable, though the premium was tendered before the end of the 15 days. *Tarlton* and others v. *Staniforth* and others, 5 T. R. 695.

The Royal Exchange, the Phoenix, and some other insurance companies, hold themselves liable during the 15 days on annual policies. But every policy for a shorter period than a year, ceases at six o'clock in the evening of the day mentioned therein.

Where houses under lease are burnt down, and there is an exception of damages by fire, the landlord is not obliged to rebuild, although he may have insured. The premises being insured by the landlord, is nothing to the tenant; and if there be an express covenant to pay the rent, the landlord may oblige the tenant to pay the rent during the remainder of the term, although he has not any premises to occupy.



occupy. *Id. Raym.* 1477. 2 *Str.* 763. 1 *T. R.* 310, 711.

And on a general covenant to repair, without an exception as to fire, the tenant is compellable to rebuild in case of accidental fire. 6 *T. R.* 650.

If a man buys a house, and, before the time arrives when by the articles he is to pay for it, it is burnt down by casualty, it is said he shall not be bound in equity to pay the money. 2 *Wils. Rep.* 220.

It is not necessary, however, to constitute an insurable interest, that the insured shall, in every instance, have the absolute and unqualified property of the effects insured: a trustee, a mortgagee, a reversioner, a factor, or agent, with the custody of goods to be sold upon commission, may insure; provided, the nature of the property be distinctly specified at the time the insurance is effected.

**INSURANCE ON LIVES.** Life insurance is a contract by which, in consideration of a stipulated premium, the insurer undertakes to pay the person in whose behalf the insurance is made a certain sum of money, or an annuity upon the death of the person whose life is insured, whenever the event takes place.

The policy may either be for the whole life, or it may be for a limited time; and the premium to the insurer may either be in a gross sum, or by certain annual payments.

The utility of institutions of this nature is sufficiently obvious. Persons having incomes determinable upon their own lives or the lives of others, arising from landed property, church livings, public employments, pensions, annuities, &c. by paying such annual premium as they can spare from their present necessities, may secure to their widows, children, or other dependants, an adequate sum of money, or an equivalent annuity, payable upon their deaths. By these insurances also the fines to be paid on the renewal of leases or the descent of copyholds may be provided for; so where a person having only a life income wants to borrow money, but can give only his own personal security for it, he may, by insuring his life, secure to the lender the repayment of such money, though he should die before he is enabled to discharge the debt.

The first institution of this kind in England owes

its origin to the Bishop of Oxford, who, in conjunction with several other benevolent persons in the reign of Queen Anne, applied for a charter, by which a society for life insurance was incorporated under the title of the *Amicable Society*, by the regulations of which persons were enabled to subscribe part of their incomes, in order that the representative of such subscriber should, upon his death, receive such sum as the funds of the corporation would enable them to pay upon the several deaths which might occur in the space of the year.

The happy consequences resulting from this small beneficent institution were so obvious, that it was followed up upon a more extensive scale; and the Royal Exchange and London Assurance companies obtained charters from George the First, to enable them also to make insurances upon lives.

In the year 1762, another establishment, under the denomination of the Society for Equitable Assurances on Lives and Survivorships, was founded by deed enrolled in the court of King's Bench at Westminster, in which every person who insures becomes a member participating in the profit or loss of the society.

The success of this establishment produced three other institutions upon similar principles, viz. the *Westminster Society* for insurance upon lives and survivorships, and granting annuities, the *Pelican Life Insurance Company*, and the *British*.

*Of the warranty of the health, and age of the life insured.* A warranty or condition is generally inserted in the policy, or contained in a declaration or agreement signed by the insured, that the person whose life is meant to be insured has not any disorder which tends to the shortening of life; that he has or has not had the small-pox; and that his age does not exceed so many years; that this declaration shall be the basis of the contract between the insurers and the insured; and that if any untrue averment be contained therein, the contract shall be void, and all money paid on account of the insurance forfeited.

As this declaration is to be considered as part of the written contract, amounting to a warranty, every person, who makes an insurance upon a life, ought to be very circumspect in ascertaining the truth of the allegations contained in it; because upon that the validity of the contract must depend. By the warranty that

the person, whose life is to be insured, has no disorder which tends to the shortening of life, is not to be understood that he is perfectly free from the seeds of all disorder. The warranty is sufficiently true, if he be in a reasonably good state of health, and that his life may be insured on the common terms, for a person of such age and condition; and even although the person at the time of effecting the policy labours under any particular infirmity, yet if it can be shewn that such infirmity had no tendency to shorten life, and that in fact it did not in any degree contribute to his death, such warranty will be sufficiently complied with. *Ross v. Bradshaw*, 1 Bl. 312. Neither will a warranty be falsified by shewing that the party was troubled with spasms and cramps arising from violent fits of the gout. *Willis v. Poole*, Sit. at N. P. after Easter, 1780.

If there be no warranty, the insured takes the risk upon himself, whatever may be the condition of the health of the insured, unless, indeed, there should be some fraudulent misrepresentation or concealment. *Stackpool v. Simon*, at N. P. Hil. vac. 1779.

In most of the life insurance offices, it is now usual to require, that in the proposal for every insurance it shall be stated, whether the person whose life is to be insured has been ever afflicted with the gout.

*Of the interest of the insured.* By 14 G. III. c. 48. s. 1, no insurance shall be made by any person or persons, bodies politic or corporate, on the life or lives of any person or persons, or on any other event or events whatever, wherein the person or persons for whose use or benefit, or on whose account such policy or policies shall be made, shall have no interest, or by way of gaming or wagering; and every insurance made contrary to the true intent and meaning of this act shall be null and void to all intents and purposes whatsoever.

And by the second section of this act, no policy or policies on the life or lives of any person or persons, or other event or events, without inserting in such policy or policies the name or names of the person or persons interested therein, or for what use, benefit, or on whose account such policy is so made or under-wrote.

And by sect. 3, it is further enacted, that in all cases where the insured hath an interest in such life or lives, event or events, no greater sum shall be

recovered or received from the insurer or insurers, than the amount or value of the interest of the insured in such life or lives, or other event or events.

By the 4th section, this act shall not extend to insurances made *bona fide* on ships or goods.

Upon the interest of the party in the life insured very few questions have arisen.

A *bona fide* creditor has an insurable interest upon the life of his debtor, where he has only the personal security of such debtor; but no creditor has an insurable interest in the life of his debtor, unless the debt be incurred upon a good and legal consideration. Where, therefore, a note was given for money won at play, it was held that the holder had not an insurable interest in the life of the maker of the note. *Dwyer v. Edie*, at N. P. after Hil. Park 432.

Trustees may insure for the benefit of the *cestui que trust*. *Tidwell v. Angerstein*, Peake 151.

*On the risk upon life insurances.* Certain insurance companies annex to the policy specific conditions or exceptions in their respective policies, which vary the terms of their respective contracts. The Royal Exchange Assurance and Westminster Society declare every insurance made by a person upon his own life to be void, if the insured shall depart the limits of Europe, shall die upon the seas, or enter into any military or naval service whatever without the previous consent of the company, or shall die by suicide, duelling, or the hand of justice.

Where the insurance is made by a person on the life of another, death by suicide, duelling, or the hand of justice is not excepted.

The *Equitable Assurance the Pelican Life Insurance*, and the *British* adopt the same exceptions, omitting the word duelling, even where the party insures his own life.

In insurances upon lives, as well as in other insurances, not only the cause of the loss must have originated, but the loss itself must appear to have happened during the continuance of the risk. If, therefore, a man's life be insured for a year, and some short time before the expiration of the term he receives a mortal wound, of which he dies after the year, the insurer will not be liable. *Lecky v. Offley*, 1 T. R. 254.

But in any case of uncertainty whether the death happened within the time limited, this, as a question of

of fact, must be left to the decision of the jury. *Patterson v. Black*, at N.P. Hil. vac. 1780.

If a policy be to take effect *from* the day of the date, the day of the date is excluded. 2 *Salk*. 625. 1 *Id.* *Raym.* 480. Questions upon this point, however, are not likely to arise, it being now the usual practice to mention the day both of the commencement and end of the policy, and to declare both to be inclusive.

For the claim which the insured upon a life shall have upon the estate of the insurer, become bankrupt during the continuance of the life insured, see *Bankruptcy*.

INTEREST of MONEY, is the premium paid for the use of a sum, and is by law, in this country, limited to five per cent. per annum. The laws relative to interest are extremely strict, and many different opinions have been formed on the subject. Sir Josiah Child, whose knowledge and experience were equally great, attributed the rapid increase of wealth and commerce in this country to the reduction of the interest of money which had taken place. Mr. Adam Smith has also given his opinion decidedly in favour of a low rate of interest; but, by some unaccountable contradiction in principles, when he has considered monopoly, forestalling, and all coercive advantages taken in business, as mere imaginary evils; after, in the most decided manner, he has declared that trade should be left free, and that it will find its own level; even after having considered gold and silver merely as articles of merchandise, he speaks as decidedly in favour of restrictive laws with respect to interest.

To reconcile this contradiction entirely is impossible, particularly as the man who purchases goods on credit is, in many cases, very nearly under the same circumstances with him who borrows money; yet the one is to be under no restraint in his dealings, and the other under the most precise regulations.

All rates of interest were formerly known by the name of usury, and considered as such; but at the time when interest, at whatever rate it might be, was discountenanced, there was more extortion than since. A reasonable profit has been by law allowed, and several modifications have been proposed, that might

probably do away entirely those usurious practices which are yet complained of.

As interest for money is in its nature as fair and just as hire for the use of any other species of property, it follows that, like as with regard to other property, that rate should be determined by circumstances. The risk of the lender, in all cases, ought to be a consideration; and the advantage which the borrower can obtain by the use of the money, another. Large sums lent for a length of time can never be procured but on good security, and never ought to be lent but on such, as no use they can be applied to will enable the borrower to pay a very high rate of interest; perhaps five per cent. is the most proper rate that could be fixed for the interest of such loans; but it is certainly different with respect to small loans made for short periods.

The sum of 1000l. borrowed for 12 months, on good security, may be well enough paid for with 50l.; and it may be difficult, in general, to employ it, so as to be able to reap advantage by paying more; but the sum of 20l. borrowed for one month can never be adequately paid for by 1s. 8d., or 10l. for 10 days by 3½d., which last sum is so small, that it will not repay a person for the trouble of giving out and receiving back a sum of money, independent of every other consideration.

The law, as it now stands, forbids, under a heavy penalty, a greater sum to be paid; and the person who would take 6d. for the loan of 10l. for the period last mentioned, would incur that penalty as indisputably as if he had committed an extortion to a great amount. The nature of things, however, which is paramount to the regulations of men, has so ordered it, that a loan of a small sum, for a short time, may be as imperiously wanted as a larger one, and it may be, proportionably considered, employed to much greater advantage: the law in this case, then, prohibits a transaction which would be beneficial to both parties, and which, in its nature, is just as fair as any of the large transactions which it does allow of.

Nothing that is in itself fair and useful ought to be forbidden; but in this case it is so, and necessity has made some modification in the case of lending on pledge (see *Pawnbrokers*); but that is not one equal to the cir-

circumstances of the case; for sums may be wanted where there is no pledge to give, or when it would be very inconvenient to give one; yet when profit would be made, or loss avoided, such as to enable the borrower to return the sum with great advantage, there ought not to be any hindrance in the way of a transaction that would prove advantageous to all parties, and hurt no one; therefore there ought to be regulations to suit circumstances.

The necessities that persons occasionally labour under for loans of money are such, that, in borrowing, the dictates of prudence would not always be attended to if it were left entirely free, like other commodities; a fixed rate of interest, therefore, is founded in good policy, though there does not seem either to be policy or justice in having the same rate extend to every case and circumstance.

One consequence of the strict and equal law is, that large sums of money can be obtained without difficulty; smaller sums, on security equally good, cannot be obtained at all.

Interest of money or usance, hitherto known by the name of *usury*, was first rendered legal, and limited by act of Henry VIII. c. 9, to 10 per cent. This law was repealed in the 6th of Edward VI. (in 1551), and all taking of interest was prohibited, as being *usury*; but in the 13th of Queen Elizabeth, the act of Henry VIII. was restored, and the impolitic one of Edward repealed.

By stat. 37 Hen. VIII. c. 9, interest was confined to 10 per cent.; and by 13 Eliz. c. 8, it was allowed to continue at the same rate. By stat. 21 James I. c. 17, it was reduced to eight per cent.; and by stat. 12 Charles II. c. 13, to six; and, lastly, by Queen Anne it was fixed at five per cent. yearly; stat. 12. c. 2, it was fixed at five, at which price it still remains. The courts of law can allow no higher rate in this country; but in contracts made abroad they allow the interest that law and custom have established in the country.

By stat. 14 G. III. c. 79, all mortgages, and other securities on estates or other property, in Ireland or the West Indies, is allowed to extend to six per cent. though executed in this country, unless the money lent shall be known at the time to exceed the value of the thing in pledge; in which case, to pre-

vent usurious contracts being entered into, under cover of such foreign security, the borrower is liable to forfeit treble the sum borrowed. See *Discount*.

When money is borrowed upon certain sorts of security, or is reimbursable only in case of certain contingencies, then a higher rate of interest is allowed. See *Bottomry*, *Insurance*, *Pawnbroker*, *Post-obit Bond*, *Usury*.

**INTEREST, COMPOUND**, or *interest upon interest*, is, as the latter designation expresses, when the interest, instead of being paid, is added to the capital sum, and becomes an increased capital. This is not allowed by law, though it can be practised without infringing any statute, by renewing the bond or instrument, and comprising the whole in it, or by lending the interest separately.

The immense accumulation produced by compound interest at the end of a long period is such as astonishes those even who comprehend the progression, which it is not difficult to do; but the acceleration of the process depends considerably on the times at which the interest is supposed to be added to the principal. In a calculation on the strict principle of the business, it is to be supposed to be added every day; but in real business it can only be added quarterly, half yearly, or yearly, when the interest would in right become the property of the lender by falling due.

When Doctor Price's calculations about the operation of a sinking fund were made public after the American war, the result appeared incredible, and the more so, that experience shews that all the wealth of the world, since the days of Solomon, when gold and silver are said to have been in such abundance, has not produced an accumulated sum equal to what one penny, at compound interest, would have done during the same period. The calculation is nevertheless unerring; but in order that such sums may accumulate, there must be borrowers with good securities, and means of paying. There must be also a succession of lenders, who have a disposition to possess a great capital without enjoying or making any use of it, all which combination of circumstances is morally impossible; but if it were not, risk and expence of management, together with innumerable other circumstances that attend great concerns, would prevent the accumulation beyond a very moderate sum. Circumscribed



scribed as compound interest is in practice when compared with what it is in theory in the accumulation of money, it produces the full effect expected, and even exceeds calculation in the paying off of debt. The commission, and every charge attending management, ceases with the reimbursement of a debt as well as the interest; so that the progression is considerably accelerated, and many of the same circumstances that retard accumulation, in a quite opposite direction accelerate reimbursement; and if the present plan of the sinking fund is adhered to as it has been, the world will soon see what is now asserted proved by a most remarkable and great example.

As the commissioners for buying up the debt do not wait for the expiration of a quarter, but make daily purchases, and the interest ceases from the moment a purchase is made, it follows, that the quickest progression that can take place actually is now in full operation. See *Sinking Fund*.

INTEREST, or No INTEREST. See *Insurance*.

INTRINSIC VALUE, a term applied to express the real and genuine value of any thing, without any regard to the adventitious value produced by time and circumstances, or to apparent or nominal value. When applied to metals wrought into form, to corn, or to any material capable of being turned to another use, it implies the value of the material only, without taking into account the workmanship or fashion.

INVENTORY, a catalogue or schedule regularly made out of persons, goods, and chattels, after a death, previous to a sale or transfer of the property. An inventory after decease ought to contain an appraisal of the value by indifferent persons. In cases such as previous to a sale, the inventory is only intended to certify the existence of the articles contained in it. See *Executor*.

INVERNESS, the name of a county in the north of Scotland, as well as of its capital, which lies on the river Ness, in W. long. 4 deg. 10 min. and N. lat. 57 deg. 34 min. It has a safe and convenient harbour for small vessels, and a manufacture of ropes and canvas; besides a considerable trade, a great part of the interior of the highlands being supplied with merchandise from them. The herring fishery is also

carried on here to some extent. In the county of Inverness are very large forests, both of fir and oak; but great part of them are of little value, from the difficulty of transporting the timber.

INVOICE, an account in writing of the particulars of goods or merchandise sent by any one conveyance or at one time, and transmitted from one person in trade to another.

JOHN, ST. an English island in North America, at the mouth of the river St. Laurence, 22 leagues long, and about 50 in circumference. It has a good harbour, and the grounds are sufficiently fertile, and raise, besides corn and other plants, great quantities of valuable timber; but it is a place, on the whole, of very little trade, though the cod fishing might here be certainly carried on to great advantage.

JOURNAL. See *Book-keeping*.

JOURNYMAN. See *Master and Servant*.

IPSWICH, a sea-port in Suffolk, formerly much noted for the manufacture of broad cloth. It has a considerable coasting trade, a small share of foreign commerce, and of the Greenland fishery. Its principal commerce is of corn. It lies in E. long. 1 deg. 16 min. and N. lat. 52 deg. 8 min.

IRELAND. This island, part of the united kingdom of Great Britain, is situated betwixt six and 10 degrees west longitude, and between 51 and 55 deg. 30 min. N. latitude, and according to the best surveys and computation contains about 18 millions of English acres. It is divided into four provinces, namely, Ulster, Leinster, Munster, and Connaught, and these again into counties, of which there are in all 32. The climate of Ireland is nearly the same as that of England, but more wet, the atmosphere more moist, receiving without interruption the vapours of the immense Atlantic Ocean. The consequence of this, and the inattention to agriculture in former times, is that near a 10th part of this beautiful island has been converted into mossy morasses, and become a repository for stagnant waters. The wetness of the climate, which is favourable for grass lands, has led the attention of the inhabitants to the rearing of cattle in preference to the raising of corn; accordingly most of the country is laid into grass, on which is fed the immense quantities of cattle that supply our flocks,

and

and our colonies in the West Indies, with the greatest part of their beef, tallow, and butter. Cork is the great port for the exportation of these articles, where not only our own ships of war and merchantmen, but those of other nations take in these articles of provision. The principal branch of manufacture is fine linen cloths, which is made in great perfection, particularly in the north-west parts of the kingdom, and exported in large quantities, it being in fact the staple commodity of the country; and for its encouragement they are allowed to be imported into London duty free, and premiums are annually given to promote it by government, through the trustees for the encouragement of the linen manufactory.

Ireland was once famous for her woollen manufactures, which were carried on in the south-west part of the island, but regulations were made in the time of king William, which tended to encourage the English manufacture of that article to the detriment of Ireland.

Dublin, which is the capital, is next in size to London of any city in the united kingdom; it is excellently situated for commerce, but the harbour is far from being commodious or safe. Dublin is not much inferior in size to Amsterdam, containing above 200,000 inhabitants. Great apprehensions were entertained in Ireland previous to the union, of the bad effects it would produce on the population of the capital, but they have happily turned out to be unfounded. The pursuits of ambition are converted into a better channel than that of politics: that manufactures and commerce flourish best where there is no court, has been a principle maintained by some of the first political writers, and has been fully exemplified in Dublin, even in the short space of time that has elapsed since the union.

The history of Ireland goes to a much more remote period than that of Britain, but it is greatly interspersed with fable, and little to be depended upon. As an independent island, Ireland never could be prosperous or enjoy tranquillity, as in that case the politics of the continent of Europe would be to embroil it with England, which unless it could cope with by sea, would be ruinous both to its manufactures and commerce. Questions relative to forms of government and alliances ought never to be discussed without

due attention to circumstances, of which geographical situation and extent are not the least important, and in some cases are the principal. If Ireland were situated near the coast of France, or at a distance from England, its extent, the bravery of its inhabitants, and other circumstances, would entitle it to become an independent nation; but it has been so placed by nature that it and England can never be separated without the injury of the one and the ruin of the other.

English capital and industry, which will scarcely find means for such extension in this country as will be requisite to absorb the money reimbursed to the creditors of the state by the sinking fund, will find their way over to Ireland, and make it a very flourishing country. There is little doubt that the days are near at hand when we shall find that island rivalling England both in manufactures and commerce; for though some circumstances, no doubt, operate to her disadvantage, yet by the act of union the taxes never can be there burthensome in any way proportionate to what they are in this country.

The prospects of the landed proprietors and of the people in Ireland are of the most flattering and favourable nature.

*Abstract of the Act for the Union of Great Britain and Ireland, 39 and 40 G. III. c. 67.* The preamble to this act states that it had been resolved by the two houses of parliament in Great Britain and Ireland, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power, and resources of the British empire, and to unite the two kingdoms of Great Britain and Ireland, to agree to the following articles.

And that, in furtherance of the said resolution, both houses of the said two parliaments respectively had likewise agreed upon certain articles for effectuating and establishing the said purposes, to the tenor following:

*Article first.* That the said kingdoms of Great Britain and Ireland shall, upon the first day of January 1801, and for ever after, be united by the name of *the united kingdom of Great Britain and Ireland*; and that the royal stile and titles appertaining to the imperial crown of the said united kingdom and its dependencies; and also the ensigns, armorial

memorial flags and banners thereof, shall be such as his majesty, by his royal proclamation under the great seal of the united kingdom, shall be pleased to appoint.

*Article second.* That the succession to the crown shall continue limited and settled as at present.

*Article third.* That the said united kingdom be represented in one and the same parliament, to be stiled The Parliament of the United Kingdom of Great Britain and Ireland.

*Article fourth.* That four lords spiritual of Ireland by rotation of sessions, and 28 lords temporal of Ireland elected for life by the peers of Ireland, shall be the number to sit and vote on the part of Ireland in the house of lords of the parliament of the united kingdom; and 100 commoners (two for each county of Ireland, two for the city of Dublin, two for the city of Cork, one for the university of Trinity college, and one for each of the thirty-one most considerable cities, towns, and boroughs), be the number to sit and vote on the part of Ireland in the house of commons of the parliament of the united kingdom.

That such act as shall be passed in Ireland to regulate the mode of summoning and returning the lords and commoners to serve in the parliament of the united kingdom, shall be considered as part of the treaty of union.

That all questions touching the rotation or election of lords of Ireland, to sit in the united parliament, shall be decided by the house of lords thereof.

That any peer of Ireland may be elected to serve in the house of commons of the united kingdom, unless previously elected to sit in the house of lords, but shall not be entitled to the privilege of peerage, &c.

His majesty may create peers, and make promotions in the peerage of Ireland after the union, under certain regulations.

All questions touching the election of members to sit in the house of commons of the united kingdom on the part of Ireland, shall be decided as questions touching such elections in Great Britain; and their qualifications in respect of property shall be the same as in England.

When his majesty shall declare his pleasure for holding a parliament of the united kingdom, a pro-

clamation shall issue to cause the lords and commons, who are to serve on the part of Ireland, to be returned as shall be provided by any act of the present session in Ireland.

The lords of parliament on the part of Ireland shall have the same privileges as the lords on the part of Great Britain, and all lords spiritual of Ireland shall have rank next after the lords spiritual of the same rank of Great Britain, and shall enjoy the same privileges, (except those depending upon sitting in the house of lords), and the temporal peers of Ireland shall have rank next after the peers of the like rank in Great Britain at the time of the union; and all peerages of Ireland and of the united kingdom created after the union, shall have rank according to creation; and all peerages of Great Britain and of Ireland shall, in all other respects, be considered as peerages of the united kingdom, and the peers of Ireland shall enjoy the same privileges, except those depending upon sitting in the house of lords.

*Article fifth.* The churches of England and Ireland to be united into one protestant episcopal church, and the doctrine of the church of Scotland remain as now established.

*Article sixth.* That his majesty's subjects of Great Britain and Ireland shall be entitled to the same privileges, and be on the same footing, as to encouragements and bounties on the like articles being the growth, produce, or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the united kingdom and its dependencies; and that in all treaties made by his majesty with any foreign power, his majesty's subjects of Ireland shall have the same privileges, and be on the same footing, as his majesty's subjects of Great Britain.

That all prohibitions and bounties on the export of articles, the growth, produce, or manufacture of either country, to the other, shall cease and determine; and that the said articles shall thenceforth be exported from one country to the other, without duty or bounty on such export.

That all articles, the growth, produce, or manufacture of either country (not herein-after enumerated as subject to specific duties), shall from henceforth be imported into each country from the other free



free from duty, other than such countervailing duties on the several articles enumerated in the schedule number 1, A and B, hereunto annexed, as are therein specified, or to such other countervailing duties as shall hereafter be imposed by the parliament of the united kingdom, in the manner herein-after provided; and that, for the period of twenty years from the union, the articles enumerated in the schedule number 2, hereunto also annexed, shall be subject on importation into each country to the duties specified in the said schedule; and the woollen manufactures, known by the names of *the old and new drapery*, shall pay, on importation into each country, the duties now payable on importation into Ireland: salt and hops, on importation into Ireland from Great Britain, duties not exceeding those which are now paid on importation into Ireland; and coals, on importation into Ireland from Great Britain, shall be subject to burthens not exceeding those to which they are now subject.

That calicoes and muslins shall, on their importation into either country, be subject and liable to the duties now payable on the same on the importation thereof from Great Britain into Ireland, until the fifth day of January 1808; and from and after the said day, the said duties shall be annually reduced, by equal proportions as near as may be in each year, so as that the said duties shall stand at 10 per cent. from and after the 5th day of January 1806, until the 5th day of January 1821: and that cotton yarn and cotton twist shall, on their importation into either country, be subject and liable to the duties now payable upon the same on the importation thereof from Great Britain into Ireland, until the 5th day of January 1808, and from and after the said day, the said duties shall be annually reduced by equal proportions as near as may be in each year, so as that all duties shall cease on the said articles from and after the 5th of January 1816.

That any articles of the growth, produce, or manufacture of either country, which are or may be subject to internal duty, or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect of such internal duty

or duties on the materials; and that for the said purposes the articles specified in the schedule to this act shall be subject to the duties set forth therein, liable to be taken off, diminished, or increased, in the manner herein specified; and that upon the export of the said articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on such articles on the import thereof into the same country from the other; and that in like manner in future it shall be competent to the united parliament to impose any new or additional countervailing duties, or to take off, or diminish such existing countervailing duties as may appear, on like principles, to be just and reasonable in respect of any future or additional internal duty on any article of the growth, produce, or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of duty on the same; and that when any such new or additional countervailing duty shall be so imposed on the import of any article into either country from the other, a drawback, equal in amount to such countervailing duty, shall be given in like manner on the export of every such article respectively from the same country to the other.

That all articles, the growth, produce, or manufacture of either country, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce, or manufacture.

That all duty charged on the import of foreign or colonial goods into either country shall, on their export to the other, be either drawn back, or the amount (if any be retained) shall be placed to the credit of the country to which they shall be so exported, so long as the expenditure of the united kingdom shall be defrayed by proportional contributions: provided always, that nothing herein shall extend to take away any duty, bounty, or prohibition, which exists with respect to corn, meal, malt, flour, or biscuit; but that all duties, bounties, or prohibitions on the said articles, may be regulated, varied, or repealed, from time to time, as the united parliament shall deem expedient.



## SCHEDULE, No. I.

*Articles to be charged with countervailing duties upon importation from Ireland into Great Britain, and from Great Britain into Ireland, respectively, according to the sixth article of the union.*

A.

*On importation into Great Britain from Ireland.*

	Customs.		Excise.	
	£.	s. d.	£.	s. d.
<i>Beer.</i> For every barrel consisting of thirty-six gallons, English beer measure, of Irish beer, ale, or mum, imported into Great Britain directly from Ireland, and so in proportion for any greater or less quantity, to be paid by the importer thereof -	0	0 0	0	8 0
<i>Bricks and Tiles.</i> For every 1000 of Irish bricks -	0	0 0	0	5 0
For every 1000 of Irish plain tiles -	0	0 0	0	4 10
For every 1000 of Irish pan or idge tiles -	0	0 0	0	12 10
For every 100 of Irish paving tiles, not exceeding ten inches square -	0	0 0	0	2 5
For every 100 of Irish paving tiles exceeding ten inches square -	0	0 0	0	4 10
For every 1000 of Irish tiles, other than such as are herein-before enumerated and described -	0	0 0	0	4 10
<i>Candles.</i> For every pound weight avoirdupois of Irish candles of tallow, and other candles whatsoever (except wax and spermaceti) -	0	0 0	0	0 1
For every pound weight				

Customs. Excise.

	£. s. d.		£. s. d.	
avoirdupois of Irish candles, which may be made of wax or spermaceti, or which are usually called or sold as such -	0	0 0	0	0 3 <sup>1</sup>
<i>Chocolate, &amp;c.</i> For every pound weight avoirdupois of Irish cocoa, cocoa paste, or chocolate -	0	0 0	0	2 0
<i>Cordage.</i> To be used as standing rigging, or other cordage made from topt hemp, the ton -	4	10 3	0	0 0
Any other sort, cable yarn, packthread, and twine, the ton -	4	4 4	0	0 0
<i>Cyder and Perry.</i> For every hogshead, consisting of sixty-three gallons English wine measure, of Irish cyder and perry, which shall be imported as merchandise or for sale, and which shall be sent or consigned to any factor or agent to sell or dispose of -	0	0 0	0	19 2
<i>Glass.</i> For every square foot superficial measure of Irish plate glass -	0	0 0	0	2 2 <sup>1</sup>
For every hundred weight of Irish flint, enamel, stained paste, or phial glass -	0	0 0	2	3 6
For every hundred weight of Irish spread window glass, commonly called broad glass -	0	0 0	0	8 1
For every hundred weight of Irish window glass (not being spread glass) commonly called or known by the name of crown glass, or German sheet glass -	0	0 0	1	9 9
For every hundred weight				

# IRE

Customs.      Excise.  
 £. s. d.      £. s. d.

of vessels made use of in  
 chemical laboratories, and  
 of garden glasses, and of all  
 other vessels or utensils of  
 common bottle metal, ma-  
 nufactured in Ireland,  
 common bottles excepted

0 0 0      0 4 0½

For every hundred weight  
 of any sort or species of  
 Irish glass, not herein-  
 before enumerated or de-  
 scribed

0 0 0      2 2 0

Bottles of common green  
 glass, the dozen quarts

0 0 9      0 0 0

*Hops.* For every pound weight  
 avoirdupois of Irish hops

0 0 0      0 0 1½

*Leather,* unmanufactured. For  
 every pound weight avoi-  
 rupois of hides, of what  
 kind so ever, and of calf  
 skins, kips, hog skins, dog  
 skins, and seal skins, tan-  
 ned in Ireland, and of sheep  
 skins and lambskins so tan-  
 ned for gloves and bazzils,  
 which shall be imported in  
 the whole hide or skin, and  
 neither cut nor diminished  
 in any respect whatever

0 0 0      0 0 1½

For every dozen of goat skins  
 tanned in Ireland to resem-  
 ble Spanish leather

0 0 0      0 4 0

For every dozen of sheep  
 skins tanned in Ireland for  
 roans, being after the na-  
 ture of Spanish leather

0 0 0      0 2 3

For every pound weight avoi-  
 rupois of all other hides  
 or skins not herein-before  
 enumerated and described,  
 and of all pieces and parts  
 of hides or skins which  
 shall be tanned in Ireland

0 0 0      0 0 6

For all hides of horses, mares,

# IRE

Customs.      Excise.  
 £. s. d.      £. s. d.

and geldings, which shall  
 be dressed in alum and salt,  
 or meal, or otherwise taw-  
 ed in Ireland, for each and  
 every such hide

0 0 0      0 1 6

For all hides of steers, cows,  
 or any other hides of  
 what kind soever (those  
 of horses, mares, and geld-  
 ings excepted) which shall  
 be dressed in alum and  
 salt, or meal, or otherwise  
 tawed in Ireland, for each  
 and every such hide

0 0 0      0 3 0

For every pound weight  
 avoirdupois of all calf  
 skins, kips, and seal skins,  
 which shall be so dressed  
 in alum and salt, or meal,  
 or otherwise tawed in Ire-  
 land, and imported into  
 Great-Britain, in the  
 whole skin, neither cut  
 nor diminished in any re-  
 spect whatever

0 0 0      0 0 1½

For every dozen of slink calf  
 skins which shall be so  
 dressed in alum and salt,  
 or meal, or otherwise taw-  
 ed with the hair on, in  
 Ireland

0 0 0      0 3 0

For every dozen of slink  
 calf skins which shall be  
 so dressed in alum and  
 salt, or meal, or otherwise  
 tawed without hair, in Ire-  
 land, and for every dozen  
 of dog skins and kid skins,  
 which shall be dressed in  
 alum and salt, or meal, or  
 otherwise tawed in Ireland

0 0 0      0 1 0

For ever pound weight  
 avoirdupois of buck and  
 doe skins, which shall be

dressed

## I R E

## I R E

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
dressed in alum and salt, or meal, or otherwise tawed in Ireland, and which shall be imported in the whole skin, and neither cut nor diminished in any respect whatever	-	0	0	0	0	6
For every dozen of goat skins and beaver skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland	-	0	0	0	2	0
For every pound weight avoirdupois of sheep skins and lambs skins which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland, and which shall be imported in the whole skin, and neither cut nor diminished in any respect whatever	0	0	0	0	0	1½
For every pound weight avoirdupois of all other hides and skins, not hereinbefore enumerated and described, and of all pieces or parts of hides or skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland	-	0	0	0	0	6
For every pound weight avoirdupois of all buck, deer, and elk skins, which shall be dressed in oil in Ireland, and imported in the whole skin, and neither cut nor diminished in any respect whatever	0	0	0	0	1	0
For every pound weight avoirdupois of all sheep and lamb skins, which						

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
shall be dressed in oil in Ireland	-	0	0	0	0	3
For every pound weight avoirdupois of all other hides and skins, and parts and pieces of hides and skins, which shall be dressed in oil in Ireland	-	0	0	0	0	6
For every dozen of Irish vellum	-	0	0	0	3	5½
For every dozen of Irish parchment	-	0	0	0	1	8½
Leather, manufactured into goods and wares:						
For every pound weight avoirdupois of tanned leather, manufactured and actually made into goods or wares in Ireland	-	0	0	0	0	1½
For every pound weight avoirdupois of Irish-made boots and shoes, and gloves, and other manufactures made of tawed or dressed leather	-	0	0	0	0	1
For every pound weight avoirdupois of all buck and deer skins, and elk skins, dressed in oil and manufactured into goods and wares in Ireland	0	0	0	0	1	0
For every pound weight avoirdupois of all sheep and lamb skins, dressed in oil and manufactured into goods or wares in Ireland	0	0	0	0	0	3
For every pound weight avoirdupois of all other hides and skins, not hereinbefore enumerated or described, dressed in oil and manufactured into goods or wares in Ireland	0	0	0	0	0	6

Mead or Metheglin. For every

## I R E

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
gallon, English wine measure, of Irish mead or metheglin - - -	0	0	0	0	1	0½
<i>Paper.</i> For every pound weight avoirdupois of Irish paper, fit or proper, or that may be used for or applied to the uses or purposes of writing, drawing, and printing, or either of them, and of all Irish elephant papers and cartridge papers - - -	0	0	0	0	0	2½
For every pound weight avoirdupois of Irish coloured papers and whited brown papers (other than and except elephant and cartridge papers) fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used or applied to the purposes of writing, drawing, and printing, or either of them - - -	0	0	0	0	0	1
For every pound weight avoirdupois of Irish brown paper, fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the uses and purposes of writing, drawing, and printing, or either of them - - -	0	0	0	0	0	0½
For every pound weight avoirdupois of every sort or kind of Irish paper, not herein-before enumerated or described, sheathing, and button paper and button board excepted. - - -	0	0	0	0	0	2½

## I R E

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
For every one hundred weight of Irish pasteboard, millboard, and scaleboard - - -	0	0	0	0	10	6
For every one hundred weight of Irish glazed papers for clothiers and hot pressers - - -	0	0	0	0	6	0
For every pound weight avoirdupois of books, bound or unbound, and of maps or prints, which shall be imported into Great Britain directly from Ireland - - -	0	0	0	0	0	2
<i>Printed goods.</i> For every yard square of Irish printed, painted, or stained papers, to serve for hangings, or other uses - - -	0	0	0	0	0	1¼
For every yard in length, reckoning yard-wide, of foreign calicoes and foreign muslins, which shall be printed, painted, stained, or dyed in Ireland (except such as shall be dyed throughout of one colour), over and above any duty of customs payable on the importation of foreign calicoes and muslins - - -	0	0	0	0	0	7
For every yard in length, reckoning yard-wide, of all Irish printed, painted, stained, or dyed Irish-made calicoes, muslins, linens, and stuffs, made either of cotton or linen, mixed with other materials, fustians, velvets, velvets, dimities, and other figured stuffs, made of cotton and other materials,						



## I R E

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
mixed or wholly made of cotton wool (except such as shall be dyed throughout of one colour only) -	0	0	0	0	0	3½
For every yard in length, reckoning yard-wide, of all Irish printed, stained, painted, or dyed Irish-made stuffs not before enumerated or described (except such as shall be dyed throughout of one colour only, and except stuffs made of woollen, or whereof the greatest part in value shall be woollen) -	0	0	1	0	0	3½
For every yard in length, reckoning half yard wide, of all Irish printed, stained, painted, or dyed silks (silk handkerchiefs excepted), over and above any duty of customs payable on the importation of silk -	0	0	0	0	1	1½
For every yard square of Irish printed, stained, painted, or dyed silk handkerchiefs, and so in proportion for wide or narrow silk handkerchiefs, over and above every duty of customs payable on silk	0	0	0	0	0	4½
<i>Salt.</i> For every bushel, consisting of 56lb. avoirdupois, of Irish salt, or Irish Glauber or Irish Epsom salt -	0	0	0	0	10	0
For every bushel, consisting of 65lb. avoirdupois, of Irish rock-salt	0	0	0	0	10	0
<i>Silk.</i> Manufactures of ribbons and stuffs of silk only, the						

## I R E

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
pound, containing sixteen ounces -	0	5	0	0	0	0
* * Two-thirds of the weight of gauze, and one-third of the weight of crape, to be deducted for gum and dress.						
Silk and ribbons of silk, mixed with gold or silver, the pound -	0	6	8	0	0	0
Silk stockings, silk gloves, silk fringe, silk laces, stitching or sewing silk, the pound -	0	3	0	0	0	0
Silk, manufactures of, not otherwise enumerated or described, the pound	0	4	0	0	0	0
Stuffs of silk and program yarn, the pound -	0	1	2	0	0	0
Stuffs of silk mixed with incl or cotton, the pound	0	1	8	0	0	0
Stuffs of silk and worsted, the pound -	0	0	10	0	0	0
Stuffs of silk mixed with any other material, the pound -	0	1	3	0	0	0
<i>Soap.</i> For every pound weight avoirdupois of Irish hard, cake, or ball soap	0	0	0	0	0	2½
For every pound weight of Irish soft soap -	0	0	0	0	0	1½
<i>Spirits, British.</i> For every gallon, English wine measure, of spirits, aqua vite, or strong waters, distilled or made in Ireland, and imported at a strength not exceeding one to ten over hydrometer proof	0	0	0	0	5	1½
* * Spirits above the strength of one to ten to be charged in proportion; and on sweetened or compounded spirits, the duty						

## I R E

	Customs.	Excise.
	£. s. d.	£. s. d.
to be computed upon the highest degree of strength at which such spirits can be made.		
<i>Starch.</i> For every pound weight of Irish starch or hair powder, of what kind soever -	0 0 0	0 0 3 $\frac{1}{2}$
<i>Sugars.</i> Refined, viz. called Bastards, whole or ground, the hundred weight	0 18 2	0 0 0
Lump, the hundred weight	1 14 0 $\frac{3}{4}$	0 0 0
Single loaf, the hundred weight -	1 16 4	0 0 0
Powder loaf and double loaf, the hundred weight	1 19 1	0 0 0
Sugar candy, brown, the hundred weight	1 14 0 $\frac{3}{4}$	0 0 0
Sugar candy, white, the hundred weight	1 19 1	0 0 0
Sugar, refined, of any sort, the hundred weight	1 19 1	0 0 0
<i>Sweets.</i> For every barrel, consisting of 31 $\frac{1}{2}$ gallons, English wine measure, of Irish sweets, or other Irish liquor, made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit or sugar mixed with any other materials or ingredients whatsoever, commonly called sweets, or called or distinguished by the name of made wines	0 0 0	2 2 0
<i>Tobacco and Snuff.</i> For every pound weight avoirdupois of unmanufactured tobacco, of the growth or produce of Ireland, over and above any duty of customs	0 0 0	0 1 1
For every pound weight		

## I R E

	Customs.	Excise.
	£. s. d.	£. s. d.
avoirdupois of Irish manufactured short-cut tobacco, or tobacco manufactured into what is commonly called or known by the name of Spanish -	0 0 0	0 1 7
For every pound weight avoirdupois of Irish manufactured slag tobacco	0 0 0	0 1 5 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured roll tobacco	0 0 0	0 1 7
For every pound weight avoirdupois of Irish manufactured carrot tobacco	0 0 0	0 1 5 $\frac{1}{2}$
For every pound weight avoirdupois of every sort of Irish manufactured tobacco, not herein-before enumerated or described	0 0 0	0 1 7
For every pound weight avoirdupois of Irish manufactured rappee snuff	0 0 0	0 1 4 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured Scotch snuff	0 0 0	0 1 10 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured brown Scotch snuff -	0 0 0	0 1 3 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured tobacco stalk flour -	0 0 0	0 1 9
For every pound weight avoirdupois of every other sort or kind of Irish manufactured snuff, or snuff work, not herein-before enumerated or described	0 0 0	0 1 10 $\frac{1}{2}$
Tobacco unmanufactured, the pound -	0 0 6 $\frac{6}{16}$	0 0 0
<i>Verjuice.</i> For every hogs-		

head

	Customs.			Excise.		
	£.	s.	d.	£.	s.	d.
head consisting of sixty-three gallons English wine measure, of Irish verjuice	0	0	0	0	7	8
<i>Vinegar.</i> For every barrel consisting of thirty-four gallons, English beer measure, of Irish vinegar	0	0	0	0	12	8½
<i>Wire.</i> For every ounce troy weight of Irish gilt wire	0	0	0	0	0	9½
For every ounce troy of Irish silver wire	0	0	0	0	0	7
For every pound weight avoirdupois of Irish gold thread, gold lace, or gold fringe, made of plate wire spun upon silk	0	0	0	0	7	8
For every pound weight avoirdupois of Irish silver thread, silver lace, or silver fringe, made of plate wire spun upon silk	0	0	0	0	5	9

## B.

*Importation from Great Britain into Ireland.*

	£.	s.	d.
<i>Beer.</i> For and upon every barrel containing thirty-two gallons, imported from Great Britain	0	4	6
<i>Glass bottles.</i> For and upon each reputed quart	0	0	0½
<i>Leather, unmanufactured.</i> For and upon each pound in every hide or skin, or piece of any such hide or skin of what kind or denomination soever, other than such as are herein-after mentioned and described	0	0	1
Each hide of horses, mares, or geldings	0	1	0
All skins called veal skins, and all skins of hogs, for every dozen skins thereof, and after the same rate for any greater or less quantity	0	5	0
All skins for shoes and other like purposes, and all seal skins, for every do-			

	£.	s.	d.
zen thereof, and after the same rate for any greater or less quantity	0	2	6
All skins for bookbinders use, for every dozen thereof, and after the same rate for any greater or less quantity	0	1	0
All goat skins tanned with shuinack, or otherwise to resemble Spanish leather, and all sheep skins tanned for rouins, being after the nature of Spanish leather, for every pound weight avoirdupois	0	0	1
All sheep and lamb skins tanned for gloves and basils, for every pound weight avoirdupois, and so in proportion for any greater or less quantity	0	0	0¼
<i>Leather, dressed in oil.</i> For every hide and skin, and piece of such hide and skin, other than such as are herein-after mentioned or described, for every pound weight avoirdupois	0	0	2
For and upon all deer skins, goat skins, and beaver skins, for every pound weight thereof avoirdupois	0	0	3
For and upon all calf skins, for every pound weight thereof avoirdupois	0	0	2
For and upon all sheep and lamb skins, for every pound weight avoirdupois	0	0	0½
<i>Vellum and Parchment.</i> Every dozen skins of vellum	0	0	6
Every dozen skins of parchment	0	0	3
<i>Leather, goods or wares.</i> All tanned leather manufactured into goods and wares, whereof leather is the most valuable part, the following duties : For every pound weight avoirdupois of tanned leather, manufactured and actually made into goods and wares in Great Britain	0	0	1
For and upon every pound weight avoirdupois of tawed or dressed leather, manufactured and actually made in Great Britain	0	0	1
For and upon every pound weight avoirdupois of all buck and deer skins, and			

## I R E

## I R E

elk skins, dressed in oil, and manufactured into goods and wares in Great Britain - - -	£. s. d.
For and upon every pound weight avoirdupois of all sheep and lamb skins dressed in oil, and manufactured into goods and wares in Great Britain, of leather only - - -	0 0 3
For and upon every pound weight avoirdupois of all other hides and skins, not herein-before enumerated or described, dressed in oil, and manufactured into goods and wares in Great Britain - - -	0 0 2
<i>Paper.</i> For every pound weight avoirdupois of paper, fit or proper for, or that may be used for or applied to the uses or purposes of writing, drawing, or printing, and all elephant paper, and all cartridge paper - -	0 0 2½
For every pound weight avoirdupois of all coloured paper, and whited-brown papers, except elephant and cartridge paper, for wrapping up goods, and not capable of being applied to the purposes of writing, drawing, or printing, and also except paper hangings -	0 0 1
For every pound weight avoirdupois of brown paper, fit and proper for the use or purpose of wrapping up goods, and not capable of being applied to the purposes of writing, drawing, or printing - - -	0 0 0½
For every 100 weight of glazed paper for clothiers and hotpressers, and so in proportion for any greater or less quantity - - -	0 5 0
For every 100 weight of pasteboard, millboard, and scaleboard, and so in proportion for any greater or less quantity - - -	0 10 0
For every pound weight of every sort or kind of paper, not herein-before particularly enumerated or described, except papers commonly called or known by the names of sheathing paper, and	

button paper or button board, and paper hangings - - -	£. s. d.
<i>Stained Paper.</i> For every square yard of printed, painted, or stained paper, for hangings or other uses, and so in proportion for any greater or less quantity - - -	0 0 1
For every pound weight avoirdupois of books bound or unbound, and of maps or prints, which shall be imported into Ireland from Great Britain - - -	0 0 2
<i>Cards.</i> For every pack of printed, painted, or playing cards, made or manufactured in Great Britain - -	0 1 5
And a further duty of 2½d. per pound weight.	
<i>Dice.</i> For every pair of dice made or manufactured in Great Britain - -	0 10 0
<i>Wrought Plate.</i> For every ounce troy weight of gold or silver plate, which shall be wrought, made, or manufactured in Great Britain, and imported into Ireland - - -	0 0 6
<i>Silk Manufacture.</i> For all silks being of the manufacture of Great Britain, and imported directly from thence, the following duties; <i>videlicet</i> ,	
For all ribbons and stuffs of silks only, for every pound weight thereof containing 16 ounces - - -	0 2 1
For all silk and ribbons of silk, mixed with gold or silver, for every pound weight - - -	0 2 9
For all silk stockings, silk gloves, silk fringe, silk laces, stitching and sewing silk, for every pound weight - -	0 1 3
For all manufactures of silk not otherwise enumerated or described, for every pound weight - - -	0 1 8
For all stuffs of silk and program yarn, the pound weight - - -	0 0 6
For all stuffs of silk mixed with inele or cotton, the pound weight - - -	0 0 9
For all stuffs of silk and worsted mixed, the pound weight - - -	0 0 4

For



## I R E

For all stuffs of silk mixed with any other material, the pound weight	£. s. d.
- - - - -	0 0 6½
<i>Spirits.</i> For every gallon of spirits, being of the manufacture of Great Britain, and imported from thence, a duty of	0 3 7
<i>Sugar,</i> refined—of the manufacture of Great Britain, and imported directly from thence, the following duties:	
For all sugar called bastards, white or ground, the 100 weight containing 112 pounds	0 19 8
For all sugar called lumps, the 100 weight containing 112 pounds	1 16 10½
For all sugar called single loaf sugar, the 100 weight containing 112 pounds	1 19 4
For all sugar called powder loaf and double loaf, the 100 weight containing 112 pounds	2 2 4
For all sugar called sugar candy, brown, the 100 weight containing 112 pounds	1 16 10
For all sugar called sugar candy, white, the 100 weight containing 112 pounds	2 2 4
For all sugar refined of any other sort, the 100 weight containing 112 pounds	2 2 4
<i>Sweets.</i> For every barrel, containing 32 gallons wine measure, of British sweets, or other British liquor made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit and sugar mixed with any other material or ingredients whatsoever, commonly called sweets, or called or distinguished by the name of made wines	0 10 0
For every gallon of mead or metheglin	0 0 4
For every barrel, containing 32 gallons, of vinegar	0 3 0
<i>Tobacco and Snuff.</i> For every pound weight avoirdupois of unmanufactured tobacco, of the growth or produce of Great Britain, over and above any duty of customs now payable	0 0 5
For every pound weight of British manufactured short cut tobacco, or tobacco manufactured into what is commonly called or known by the name of Spanish	0 1 0½

## I R E

For every pound weight of British manufactured shag tobacco cut	£. s. d.
- - - - -	0 0 11
For every pound weight of British manufactured roll tobacco	0 1 0½
For every pound weight of British manufactured carrot tobacco	0 0 11
For every pound weight of every other sort of British manufactured tobacco not herein-before enumerated or described	0 1 0½
For every pound weight avoirdupois of British manufactured rappee snuff	0 0 10½
For every pound weight of British manufactured snuff called Scotch snuff	0 1 4
For every pound weight of British manufactured snuff called brown Scotch snuff	0 0 9½
For every pound weight of British manufactured stalk flour	0 1 3
For every pound weight of every other sort or kind of British manufactured snuff, or snuff work, not herein-before enumerated or described	0 1 4

## SCHEDULE, No. II.

*Articles charged with the duties specified upon importation into Great Britain and Ireland respectively, according to the sixth article of Union.*

Apparel	-	-	-	-	-
Brass, wrought	-	-	-	-	-
Cabinet ware	-	-	-	-	-
Coaches and other carriages	-	-	-	-	-
Copper, wrought	-	-	-	-	-
Cottons, other than calicoes and muslins	-	-	-	-	-
Glass	-	-	-	-	-
Haberdashery	-	-	-	-	-
Hats	-	-	-	-	-
Tin plates, wrought iron and hardware	-	-	-	-	-
Gold and silver lace, gold and silver thread, bullion for lace, pearl, and spangles	-	-	-	-	-
Millinery	-	-	-	-	-
Paper	-	-	-	-	-
Pottery	-	-	-	-	-
Saddlery and other manufactured articles	-	-	-	-	-
Silk manufacture	-	-	-	-	-
Stockings	-	-	-	-	-

Ten pounds per cent. on the true value.

Article seventh. That it be the seventh article of union, that the charge arising from the payment of the interest, and the sinking fund for the reduction of the principal, of the debt incurred in either kingdom before the union, shall continue to be separately defrayed by Great Britain and Ireland respectively.

Article eighth. That all laws in force at the time of the union, and all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulation from time to time as circumstances may appear to the parliament of the united kingdom to require; provided that all writs of error and appeals, depending at the time of the union or hereafter to be brought, and which might now be finally decided by the house of lords of either kingdom, shall, from and after the union, be finally decided by the house of lords of the united kingdom; and provided, that, from and after the union, there shall remain in Ireland an instance court of admiralty, for the determination of causes, civil and maritime only, and that the appeal from sentences of the said court shall be to his majesty's delegates in his court of chancery in that part of the united kingdom called Ireland; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any act for carrying these articles into effect, be from and after the union repealed.

His majesty having been pleased to approve of the foregoing articles, it is enacted, that they shall be the articles of union, and be in force for ever, from January 1, 1801.

**ISLE DE FRANCE.** This island was first in possession of the Portuguese, who discovered it in the 15th century; then it was possessed by the Dutch, who abandoned it in 1712, in order to pay greater attention to their establishments at the Cape of Good Hope. Three years afterwards the French East India company took possession of the island. It was however only so late as 1735 that Mons. de la Bourdonay, by an able administration, changed it from a languishing to a prosperous state, and in 1764 the India company ceded the island to the French government.

There are about 6000 whites in the country, and about 36,000 slaves and blacks of all descriptions. The island is not above one third peopled, nor is its cultivation advanced in a greater proportion.

This island is capable of producing cinnamon, and spices of every description, in great perfection; but the great distance from France, and the West India system of cultivation, by means of slaves imported, makes the progress slow, inso much that the expences have never yet been repaid to the mother country.

**ISLE OF WIGHT,** an island on the south coast of Hampshire, about 20 miles in length and 12 in breadth. A pure fine white clay for pipes, and a fine crystalline sand for glass-making, together with malt. It is extremely fertile, and in proportion to its size, produces great quantities of corn.

**ESSEQUIBO, or ESSEQUIBO,** a settlement belonging to the Dutch, in Guiana, in South America, situated on a river of the same name, and adjoining to the settlement of Demerary. Both these places were taken by Great Britain last war as well as the former, but restored at the peace. They produce sugar, rum, and other West India produce, but not to any great extent.

**ISPAHAN,** a large city, and the capital of Persia, in the province of Irac-Agemi, lying in 52. 55. E. long. and 32. 25. N. lat. and said to contain eleven hundred thousand inhabitants. Here are extensive royal manufactures of porcelain, and also of carpets, gold and silver stuffs, taffeties, velvets, and other rich cloths. Goldsmiths, lapidaries, armourers, and all other workmen belonging to the king, have also shops attached to the manufactories. These are not only established at Ispahen but also at Karkrone. The merchants and artizans of Ispahen have their shops in bazars or sorts of covered streets, where are sold all the necessaries and luxuries of life, particularly the articles before mentioned, and diamonds, rubies, topazes, sapphires, emeralds, and a great variety of other precious stones. Ispahen is in a manner the centre of the commerce of Persia. It is full of merchants from all nations. Hence set out the caravans to convoy to Bender-Abassi the merchandize purchased by merchant strangers; and here is a great trade carried

carried on with several places both within and without the Persian empire, such as Bagdad, Shiras, Icar, Aleppo, Bassora, and the islands of the Levant. Factors are here resident from most nations in Europe, particularly England, France, and Holland.

**ISTRIA**, a peninsula in Italy, but a province of Austria, lying on the north-east part of the gulph of Venice, bounded by Carniola on the north-east, and on all other sides by the sea. A small part of Istria belongs to Venice, called Venetian Istria, in contradistinction to Austrian Istria. The ports of Austrian Istria serve as an entrepot for all the commodities which Austria exports to Portugal, Spain, France, Italy, Greece, and all the dominions of Turkey, in Europe, Asia, and Africa. These consist principally of iron and steel, corn, linen and woollen cloths, glass, potashes, timber, wax, wax candles, cabinet-work, gall-nuts, and various other articles. The shipping of all trading nations frequent these ports, to load with the merchandize above mentioned, and for this purpose foreign nations have consuls at Trieste. The articles imported are, all the productions of Turkey and Persia, particularly cotton, coffee, silk, wool, goat's hair, Greek wine, almonds, oranges, figs, and other fruits, morocco, sugar, dye-woods, spiceries, Spanish wool, &c.

**ITALY**, a country of Europe, divided into a number of kingdoms and states, bounded on the east by the gulph of Venice, on the south and west by the Mediterranean, and on the north by the Alps. Italy is one of the finest and most fertile countries of Europe, producing all the comforts and a great many of the luxuries of life in abundance, particularly wines of various, and some of excellent quality, oil, and the most delicious fruit. It also produces, in many places, corn, and in particular remarkably fine wheat; it yields good pasture, and abounds with all sorts of large and small cattle. The forests are well stored with game, and the mountains contain valuable mines and minerals. The silk of Italy, and various species of the manufactures of it, form a great article of Italian commerce. The Italians are at vast pains in cultivating the mulberry tree and rearing silk-worms, as well as preparing the silk and working it into rich stuffs. At Genoa, Naples, Venice, Lucca, Florence,

and Milan, have long been established most valuable and flourishing silk manufactories. No country can be more favourably situated for commerce than Italy, so much of it, from its shape, being situated on the Mediterranean Sea, or Adriatic Gulph. But for the particulars of its manufactures and commerce we must refer specifically to the different kingdoms, states, towns, and places of this country, which will be found under their respective heads.

**JUDGMENT** is the sentence of the law pronounced by the court upon the matter contained in the record. Judgments are of four sorts, viz. 1st, Where the facts are confessed by the parties, and the law determined by the court, which is termed judgment by demurrer.

2d, Where the law is admitted by the parties, and the facts only are disputed, as in judgment upon a demurrer.

3d, Where both the fact and the law arising thereon are admitted by the defendant, as in case of judgment by confession or default.

4th, Where the plaintiff is convinced that fact, or law, or both, are insufficient to support his action, and therefore abandons or withdraws his prosecution, as in case of judgment upon a nonsuit or retraxit. See *Warrant of Attorney*.

**JURISDICTION** is an authority or power to do justice in causes of complaint, and it is usually applied to describe the authority or power vested in a court of law or equity. See *Courts*.

**JURY**, a certain number of persons sworn to inquire of and try some matter of fact, and to declare the truth upon such evidence as shall be laid before them. The jury are sworn judges upon all evidence in any matter of fact.

This institution, which may be termed the palladium of British liberty, was at a very early period established in this country, and was always so highly esteemed by the people, that no conquest nor change of government could ever prevail to abolish it. In Magna Charta it is more than once insisted on as the principal bulwark of our liberties, and more particularly by chapter 29, that no freeman shall be hurt either in his person or property, *nisi per legale iudicium parium suorum, vel per legem terra*.

Juries may be divided into two kinds, common and special. Resort is generally had to the latter in commercial cases which involve some difficulties relative to mercantile regulations, and are best decided by a special jury of merchants.

A common jury is such as is returned by the sheriff, according to the directions of the stat. 3 G. II. c. 25, which appoints that the sheriff or officer shall not return a separate pannel for every separate cause, but one and the same pannel for every cause to be tried at the same assizes, containing not less than forty-eight nor more than seventy-two jurors; and their names being written on tickets, shall be put into a box or glass, and when each cause is called, twelve of those persons whose names shall be first drawn out of the box shall be sworn upon a jury, unless absent, challenged, or excused.

When a sufficient number of persons are impanelled, they are then separately sworn well and truly to try the issue between the parties, and a true verdict to give according to the evidence.

*Special Juries.* These were originally introduced in trials at bar, when the causes were of too great nicety for the discussion of ordinary freeholders. To obtain a special jury a motion is made in court, and a rule is granted thereupon, for the sheriff to attend the master prothonotary, or other proper officer, with his freeholders book, and the officer is to take indifferently forty-eight of the principal freeholders, in the presence of the attorneys on both sides, who are each of them to strike off twelve, and the remaining twenty-four are returned upon the pannel.

By stat. 3 G. II. c. 25, either party is entitled upon motion to have a special jury struck upon the trial of any issue, as well at the assizes as at bar, by paying the extraordinary expences, unless the judge will certify, pursuant to stat. 24 G. II. c. 18, that the cause required such a jury.

An attempt to influence the jury corruptly, by promises, persuasions, entreaties, money, entertainments, and the like, is called embracery, and subjects the offender to fine and imprisonment; and the juror, if it be by taking money, to perpetual infamy, imprisonment for a year, and forfeiture. 38 Edward III. c. 12. 32 Henry VIII. c. 9. 1 Hawk. P. C. 259, 260.

If jurors eat or drink at the cost of him for whom they give their verdict, before they are agreed, or if they cast lots whether they shall find for the plaintiff or defendant, the verdict may be set aside, and they are fineable. *Co. Lit.* 227. 2 *Lev.* 205.

If the plaintiff, or any for him, after the evidence given, and the jury are retired from the bar, delivers any letter which was not given in evidence, to any of the jury, touching the matter at issue, it shall make void the verdict if it be in his favour, but not so if for the defendant. *Co. Lit.* 227.

If jurors eat or drink at all, or have any eatables about them before verdict, without consent of the court, they are fineable.

A witness may not be called by the jury, to recite the same evidence he gave in court, when they are gone from the bar. *Cro. Eliz.* 189.

Nor may a party give a brief or notes of the cause to the jury to consider of; if he doth, both he and the jury may be fined. *Moor.* 815.

Sick and decrepit persons, persons not living in the country, persons under twenty-one or above seventy years of age, as well as physicians and other medical persons, counsel, attorneys, officers of the courts, and clergymen, are excused from serving on juries. 13 Eliz. c. 38. 7 and 8 W. III. c. 32. See *Evidence and Witness*.

**JUTLAND**, or **DENMARK PROPER**, the principal part of the kingdom of Denmark, a peninsula lying between 8 and 11 deg. E. long. and 54 and 58 deg. N. lat. bounded on the south-east by the duchy of Holstein, and on the other sides by the German Ocean and the Baltic. It is divided into two parts, North and South Jutland, the latter being the duchy of Sleswick. Copenhagen, the metropolis, is situated on the island of Zealand. This country is extremely well situated for commerce, having so great an extent of coast, and excellent harbours, calculated for the reception of ships of all burthens. It produces immense quantities of timber and other materials for ship-building, both for home consumption and exportation. The other articles of export are cattle, horses, butter, tallow, hides, stock-fish, train oil, and furs. See *Denmark, Copenhagen, &c.*



# K.

## K E N

**KAMTSCHATKA**, a peninsula on the east coast of Asia, extending from 52 to 61 deg. N. lat. bounded on the north by the country of the Koriacs, on the east and south by the north Pacific Ocean, and on the west by the sea of Okotsk. The soil is barren and heathy, the climate equally severe, and the inhabitants as savage and uncultivated as their country. In order to procure the necessities of life, they employ themselves in fishing and hunting; and as this cold climate is most favourable for furs, Kamtschatka is on that account a place of some consequence in a commercial view. Foxes, beavers, sables, martins, rein deer, and other animals valuable for the fur or skin, abound in this inhospitable clime. For these the inhabitants trade with the Russians, Dutch, and Japanese, who give in exchange a great variety of articles from different parts of the world. From Europe, coarse cloths, serges, handkerchiefs, wine, brandy, sugar, tobacco, hardware, &c. From Siberia, iron, and different utensils of iron and copper, as knives, sheers, axes and muskets, wax, hemp, rope-yarn, tanned rein-deer skins, coarse Russian cloths. From Tartary and the Kalmucks country, different sorts of cotton stuffs. From China, silk and cotton stuffs, tobacco, coral, needles, and tanned rein-deer skins.

**KAY, KEY, or QUAY**, a wharf for the landing or shipping of goods. For the lawful keys for landing goods, see *Customs*.

**KEELAGE**. See *Anchorage*.

**KENT**, one of the counties in England, situate at the south-east corner of the island, and from thence enjoying many advantages. The natural products of Kent are numerous and valuable. In the bowels of the earth they find in several places a rough, hard, serviceable stone for paving, which turns to some advantage, but not so much as their exquisite fuller's earth, rich marl, and fine chalk, which are there in abundance. If we except iron ore, they have no mines, but there are prodigious heaps of coppers

## K I D

stones thrown on the coast. The isle of Sheppy, and all the adjacent shores as far as Reculver, are justly famous for its wheat, and Thanet for its barley. This isle also produces copious crops of good wheat. Horses, black cattle, and sheep are not only abundant, but remarkable in point of size; and the hop grounds are numerous in all parts of the county, which turn to very considerable amount. To which we may add weld, or, as some call it, dyer's weed, which is a very profitable commodity, and of which there grows much in the neighbourhood of Canterbury; also madder, which is or has been occasionally cultivated.

**KENTUCKY**, one of the United States of America, established since the first confederation, bounded on the north by Sandy Creek, on the north-west by the Ohio, on the south by North Carolina, and on the east by the Cumberland mountains. The soil is rich, and the air temperate and healthy. The country produces a great variety of large and excellent timber; and as it is now becoming populous, and the inhabitants industrious, this state promises fair to become in a short time of importance both in an agricultural and commercial point of view.

**KENTLEDGE**, a term used amongst merchants and mariners, signifying the ship's ballast.

**KEYAGE**, the money or toll paid for lading or unlading wares at a key or wharf.

**KIDNAPPING** is the forcible taking and carrying away a man, woman, or child from their own country, and sending them to another. This is an offence at common law, and punishable by fine, imprisonment, and pillory.

By stat. 11 and 12 W. III. c. 7, if any captain of a merchant vessel shall (during his being abroad) force any person on shore, and wilfully leave him behind, or refuse to bring home all such men as he carried out, if able and desirous to return, he shall suffer three months imprisonment.

Exclusive of the above punishment for this as a criminal

criminal offence, the party may recover upon an action for compensation in damages for the civil injury.

**KINGSTON**, a town in Jamaica, situate on the north side of the bay of Port-Royal. It extends a mile from north to south, and about as much from east to west on the harbour, and contains about 3000 houses, besides negro houses and warehouses.

This town is the residence of the principal merchants, whose ships are here loaded and unloaded, which necessarily renders this a place of considerable commerce. It is very seldom that there are less than 200 sail in the road, which is spacious, and the ships are sheltered under the land, except on the side of the peninsula, which is too low and narrow to protect them entirely from the storms blowing from the sea.

**KONINGSBERG**, the capital of Prussia, lying in E. long. 20 deg. 55 min. and N. lat. 54 deg. 42 min. This was formerly one of the Hanseatic towns, and is still an important place of trade. It has a good harbour at the mouth of the Prigel, a river commodious for navigation. Manufactories are established at Koningsberg of wool, which is made into baize, barecloths, and other stuffs. There are also tanneries, brazieries, and manufactures of soap, white and black beer, and brandy. Besides commodities the produce of Koningsberg, the Prigel, which takes its source

in Lithuania, serves for the transport of merchandize as well from that country as from Poland, such as oak and fir planks, corn, rice, millet, hides, peltry, hemp, flax, wax, honey, tallow, potashes, and woodashes.

The trade in flax-seed is principally carried on between Koningsberg, Libau, and Riga. This is under particular regulations, and is very productive.

The other articles of commerce in this capital are iron, lead, tin, some wines, brandy, and vinegar, butter, cheese, sugar, tobacco, and spices.

**KOSSEIR**, or **COSSEIR**, a town of Egypt, on the Red Sea. The port is inconvenient, and can only contain merchantmen of small burthen, the depth of water not being above two fathoms or two fathoms and a half, and it being troublesome to load and unload goods. Yet, with all these obstacles, it appears astonishing to find so much commercial bustle under the mean roofs of this mean village; but it is in fact the best port in the Red Sea, that which exports to Mecca corn and the celebrated coffee of Yemen. One great inconvenience of this place is the want of water, which the inhabitants have been accustomed to bring from the coast of Asia. A detachment of the French army, however, who were stationed some time here during the late expedition, discovered springs in the neighbourhood.

# L.

## LAB

## LAN

**L**ABEL is a narrow strip of paper or parchment, affixed to a deed or writing to hold the seal belonging to it. Any paper annexed by way of addition or explication to any will or testament is also called a label or codicil.

**LABOUR.** The wages of labour are regulated by the price of what are considered as the necessities of life in a country, and they are such, that at common labour, when there is little else requisite besides bodily strength, a man can earn sufficient to maintain himself, wife, and two children. The wages of labour are regulated by the prices of necessities, and the prices of necessities again are influenced by the wages of labour, as the labour employed to produce them constitutes a part of their value. By this sort of action and reaction, blending into one both cause and effect, the nature and investigation of the subject become very intricate and curious. Though in every thing produced by the hand of man there is labour joined with a smaller or greater degree of skill, yet those are only called labourers who are employed in works of agriculture, or such sorts of employment as are not considered as requiring any previous study or apprenticeship.

The proportion between the price of mere manual labour and such as is connected with art, varies in almost every possible degree, the price rising in general as the art increases; yet there are cases in which the physical exertion is so great, that labour is very highly paid for; and there are other cases in which the practice of an art is attended with such a degree of ease, comfort, and convenience, that being too many competitors, the prices fall under the standard of ordinary labour. In this almost infinite variety, it is sufficient to observe, that the wages of a labourer who serves masons or bricklayers, or the hammermen belonging to a smith's shop, have been to that of journeymen in the same branches nearly in the proportion of two to three. Parents who are satisfied with enabling their children to earn their bread

without a trade, set them to work at a very early period of life, so that they soon cease to cost them any expence; whereas those who chuse to bring up their children to a business must pay for their being taught, besides remaining long without gaining any thing. This circumstance alone requires reimbursement and higher prices than common, otherwise there would not be any inducement for parents to bring up children to skilful professions. On this subject Mr. Adam Smith has entered largely in his book on the Wealth of Nations. For the regulations, see *Masters and Servants*.

**LABOURERS.** See *Masters and Servants*.

**LAGOS**, a town of Portugal, in the kingdom of Algarva, about 110 miles from Lisbon. It is situated in a capacious bay, which is the rendezvous of large fleets, either for the purposes of commerce or war. The circumjacent country is extremely fertile, and figs in particular are there raised in abundance and greater perfection than either in Spain or Barbary. Of these, large quantities are imported into England, Holland, Flanders, and Hamburg. It is computed that not less than forty or fifty vessels belonging to the above countries, return laden with figs the produce of this small territory.

**LAHOR**, a province of Indostan, in lat. 31 deg. 40 min. long. 93 deg. 30 min. which produces the best sugar in all the Indies. Here are manufactories of painted cloths of every description, and magnificent tapestries. Before the discovery of the passage to India by sea, this was a place of considerable traffic. A species of white cloths, called *ambertis*, is manufactured at this place.

**LANCASHIRE**, a fine fertile county, producing great quantities of wool and flax, for the working of which there have long been great and extensive manufactories. But within these last forty years the cotton manufactory in all its branches has been carried, at Manchester, Bolton, Rochdale, and in a vast number of small towns and villages, to so great an extent

as to surpass any thing of the kind either of the present or former times. Besides producing, in common with the other counties in England, corn, grass, &c. Lancashire is famous for its large breed of oxen. It produces rock-salt, black lead, and that excellent and singular species of fuel cannel-coal. This county is remarkable for its navigable canals, and may be said to be one of the most industrious and thriving portions of the British empire. Lancaster is the chief town, and carries on a considerable trade by sea with vessels of a light burthen, besides, by means of the navigable canals, having a communication with nearly the whole of England.

**LAND CARRIAGE** *outward*. By statute 6 Geo. I. c. 31. s. 39, 42, all foreign goods sent by land carriage from one part of this kingdom to another, must be accompanied with certificates under the hand of the collector, customer, and comptroller of the port from whence they are sent, otherwise any officer of the customs may stop them till due proof be made that the duties have been paid. See *Customs, Excise, Permit*.

**LAND-WAITER** is an officer of the custom-house, whose duty is to examine, weigh, measure, and take an account of goods imported. Land-waiters are likewise occasionally styled searchers, and are to attend and join with the patent searchers in the execution of all cockets for shipping of goods to be exported; and in cases where bounties or drawbacks are to be paid to the merchant on exportation, they as well as the patent searchers are to certify the shipping thereof on the debentures. See *Customs, Custom-house*.

**LANGUEDOC**, a large and maritime province of France, bounded on the north by Quercy, Rourque, Auvergne, and Lionnois; on the east by Dauphiny and Provence; on the west by Gascony; and on the south by the Mediterranean Sea and Roussillon. It is a very pleasant country, fertile in corn, fruits, and excellent wine, and the inhabitants carry on a considerable trade. There are many curious medicinal plants, with iron mines, quarries of marble, and turquoise stones. There is also a great deal of kelp; and on the heaths are considerable numbers of the kermes oak. The principal rivers are the Rhone, the

Garonne, the Aude, the Tarne, the Allier, and the Loire: there are also a great number of mineral springs. It is one of the most fruitful and richest provinces of France. The people are industrious, and the wages of labour cheap, owing to the fertility of the soil and the abundance in which all sorts of the necessities of life are produced. The canal of Languedoc, which traverses France so as to connect the Mediterranean Sea with the ocean at the Bay of Biscay, is one of the greatest works of the sort in existence.

**LAST**, a certain quantity of particular articles. This is a very uncertain measure, and varies in different articles: thus a last of herrings is 12 barrels, a last of wool is 12 sacks, a last of leather is 20 dickers; and 12 dozen of hides, 14 barrels of pitch and tar, 1700 lbs. of feathers or flax, and 24 barrels of gunpowder, constitute a last of these articles respectively.

**LASTAGE**, is a duty exacted in some fairs and markets for carrying goods purchased where a person pleases. It also signifies the ballast or lading of a ship, and is sometimes used for garbage, rubbish, or other filth.

**LAWNS**. See *Excise*.

**LAW OF ENGLAND**. The law of England consists of three parts, viz. 1. the common law; 2. statutes or acts of parliament; 3. particular customs.

The common law is derived from the English, Saxons, and Danes; and it is so called from comprising general customs well known and observed throughout the nation; and is distinguished from written or statute law, as being of that antiquity, that its origin cannot easily be traced. Customs being only matter of fact, and existing only in the memory of the people, and is neither made by charter or parliament: whose origin is therefore known, these being matters of record.

2. *The statutes or acts of parliament*. These are laws adapted by the legislature to particular exigencies, and prescribing regulations for all the different varieties of civil intercourse. These statutes are in force as soon as enacted; and to these the people at large by their representatives are parties, and are bound to yield obedience to them.

3. *Particular customs*, which are peculiar to certain



tain places, and which are observed as part of the common law, which is composed of these general and local customs, of principles and maxims, and certain particular laws; and the whole are collectively founded upon the laws of nature, of nations, and of religion.

Those laws extend, more or less particularly, to all parts of the British empire; their objects are the safety and preservation of the *persons and properties* of individuals from *civil injuries and criminal violence*, and promoting that general peace and harmony, upon which depend all the comforts and advantages of society.

In a work like the present it is not possible to enter into this important and extensive subject. The laws, therefore, which regulate commercial contracts and mercantile practice, will be found under their respective heads.

**LAW OF NATIONS**, is a system of rules deducible by natural reason from the immutable principles of natural justice, and established by universal consent amongst the civilized inhabitants of the world, in order to decide all disputes, and to insure the observance of justice and good faith in that intercourse which must frequently occur between them and the individuals belonging to each; or they depend upon mutual compacts, treaties, leagues, and agreements between the separate, free, and independent communities.

In the construction of these principles there is no judge to resort to but the general law of nature and of reason, being the only law with which the contracting parties are all equally conversant, and to which they are all equally amenable.

From the time that men began to form themselves into societies, there must necessarily have existed two sorts of rights and obligations for each nation.

1. In the internal government, the rights and obligations between the sovereign and the people. These form what may be called *public universal law*; and when considered as founded on some fundamental law peculiar to a particular state, form what may be called *public positive law*. Secondly, there are obligations between nations. Each nation being considered in the light of an individual living in a state of nature, the obligations of one nation towards another

are no more than those of individuals modified and applied to nations: this is called the *natural law of nations*. It is universal and necessary, all nations being indispensably governed by it. All the nations of Europe might, by common consent, make treaties to regulate their different rights, which would form a code of the *positive law of nations*; but there never did, and probably never will, exist such a code. What has become a law between two or three, or even a majority of the powers of Europe, either by treaty or from custom, can never bind the others. However, by comparing the treaties made between different powers, we discover that certain principles have been almost generally adopted by all the nations that have made treaties on the same subject. In like manner, a custom received among the majority of the powers of Europe is readily adopted by the rest; and, in general, all nations pay a certain attention to the customs admitted by others. It is then the aggregate of the rights and obligations established among the nations of Europe, or the majority of them, whether by treaties, by custom, or by tacit convention, which form the general law of nations; and for this we must look into the history of Europe during the last centuries.

Express covenants made between nation and nation are called *public covenants or treaties*. For a covenant to be obligatory, it is necessary, 1. that the parties have power to consent; 2. that they have consented voluntarily; 3. that the consent is mutual; and 4. that the execution is possible. Treaties serve either to confirm to a nation the rights which belong to it by the law of nature, or to change into a positive right what was before a natural one. Treaties are either personal or real; personal, when their duration depends on the person of the sovereign or sovereigns by whom they are made; real, when it depends on the state, independently of the parties contracting; consequently all treaties between republics must be real, as well as treaties made for a specific time, or for perpetuity. This distinction is of the greatest importance, because real treaties never cease to be obligatory, except in cases when all treaties become invalid. Every successor to the sovereignty is obliged to observe them, without their being renewed at his

accession. But personal treaties expire when the sovereign contracting dies, or ceases to reign. There is a very important difference between *transitory covenants* and *treaties*. When a transitory covenant has been fulfilled, and continued afterwards without being renewed, it is still in force. No changes that may afterwards take place in the person of the sovereign or the form of government, can impair the validity of the covenant while it is observed on the other side.

Treaties cease to be obligatory when the sovereign power with whom they were concluded ceases to exist, and when the state passes under the dominion of another power. Sometimes they cease when a nation changes its constitution, and always when a war breaks out between the contracting parties: therefore all treaties existing between belligerent powers previous to the war must be renewed at the peace, if the parties wish to continue them.

It is customary when sovereigns come to the throne for them to make declarations to the powers in alliance with the state, confirming the treaties entered into by their predecessors. And it is customary when a treaty of peace is concluded to renew all the treaties that may even have been suspected of having been violated during the war, at least if the parties mean they should be observed for the future. But this custom cannot be extended so far as to invalidate every treaty which the contracting parties have not renewed at the peace.

As soon as a nation has taken possession of a territory in right of the first occupier, it becomes the absolute and sole proprietor, and has a right to exclude all other nations, to use and dispose of it at pleasure, provided no encroachment be thereby made on the rights of other nations. It belongs to the possessors, of course, to make the distribution of their territory, and every thing attached to it. What is not, in this distribution, granted to individuals, or what afterwards ceases to belong to them, remains or falls to the whole society, or to the power among them to whom they have conferred the right of acquiring. The same is nearly the case when a territory is ceded to a state.

The internal constitution of a state rests, in general, on two points; on the principles adopted with respect

to him or them in whom the sovereign power is lodged, and on those adopted with respect to the manner in which this sovereign power is to be exercised. Both these depend on the will of the state, foreign nations having no right to interfere in arrangements which are purely domestic.

When a prince ascends the throne, it is customary for him to notify his accession to all the foreign courts with whom the state has any connection, and for them to answer him by congratulations. The notification and congratulation are both generally in writing, and sometimes communicated through the medium of the ambassador in ordinary, and sometimes by a special embassy. Foreign nations cannot refuse to acknowledge as sovereign a prince who notifies his election to them, and whom the nation has acknowledged to be lawfully elected.

As a nation is entirely free in its choice of a chief, so it is in fixing the extent of his power. Even after the constitution is formed, the nation, with its sovereign, can at any time make what changes in it they may think proper, without giving a right to foreign powers of intermeddling. And even should there arise disputes on the subject in the interior of the state, no foreign power can with justice interfere.

The sovereign has a right to forbid all foreigners to enter or pass through his dominions without permission. At present, however, no power in Europe refuses, in time of peace, to grant such permission to the subjects of a foreign power; nor is it even necessary for such subjects to ask permission to enter a state, and bring their property into it. But as this liberty ought not to be prejudicial to the state, every power has reserved to itself the right, 1. to be informed of the name and quality of every foreigner that arrives; and to this end passports taken at the place whence a foreigner comes ought to be regarded as authentic, provided they have been granted by persons having authority to grant them, such as sovereigns, magistrates, ministers, or ambassadors; 2. each state has a right to dismiss all suspicious persons; 3. each state has a right to forbid the entrance of foreigners, or foreign merchandise of particular descriptions, for a time, or for ever, as circumstances may require; 4. the liberty of entry and passage extends to individuals

individuals only; a number of armed men, before they enter the territory of a foreign state, must have an express permission from the sovereign thereof. This is also the case as to ships of war entering a port, or taking shelter under a fortress, unless such permission has been granted by treaty.

The *supreme police* extends to every person and thing in the territory; foreigners are subject to it, as well as the subjects of the state, excepting only such foreigners as enjoy the right of *extraterritoriality*, and who consequently are not looked on as temporary subjects of the state.

As all public institutions, in which the subjects may partake, interest the state more or less, the sovereign has a right to take cognizance of them, and suffer those only which he may judge convenient for the government. Foreigners, therefore, have no more right than natives to open lotteries, theatres, &c. without permission of the sovereign; and moreover, the sovereign may forbid his subjects being concerned in such institutions in foreign countries.

The care of preventing what might disturb the internal tranquillity and security of the state, which is the basis of the police, authorises the sovereign to make laws and regulations for that purpose. And as every foreigner living in the state ought to concur in promoting this object, even those who enjoy the right of *extraterritoriality*, such as sovereigns and ministers, cannot dispense with the laws of police, although in case of transgression, they cannot be punished in the same manner as native or temporary subjects of the state.

Among the infinity of objects of internal police, we may reckon the care taken that no one does or publishes any thing which may be injurious to a foreign state, whether in the person of the sovereign or the subject. Foreigners can, however, require no other satisfaction than what the constitution of the state would permit, if the offence had been committed against its own sovereign or subjects. Besides, we must not confound the freedom of political opinion with the licentiousness of a libel.

One great object of police is to prevent too great emigration of the subjects. It is for the public universal or particular law to determine to what degree a sovereign may restrain the natural liberty of those

subjects who wish to quit the territory for a long time, or to expatriate themselves entirely. A foreigner, not naturalized, who has not contracted debts or committed crimes, is at liberty to quit the state when he pleases: it is only in case of collision, reprisal, or war, that a state is justifiable in detaining a foreigner against his will. This liberty, founded on the universal law of nations, is confirmed, and even extended by a great number of treaties, and accordingly is rarely violated. But a foreigner, who has been naturalized, has no more right to exemption from restraint than a native, unless he may have express or tacit conditions on the subject.

The legislative power of the state extends to even temporary subjects. In general, where there have been no exceptions made with respect to foreigners, they are subject to the general laws of the country, and their private affairs are decided in the common way.

Though aliens be subject to the laws, and in enormous offences, and what are termed *mala in se*, such as murder, &c. yet it may be too harsh to punish them on a local statute. Thus, in a trial at the Old Bailey, a French prisoner indicted for *privately stealing* was acquitted of the capital part by the direction of the judge, and found guilty of the larceny only. *Forst.* 188.

Laws have properly effect only in the country where and for which they have been enacted. However, 1. those which relate to the state, and to the personal condition of the subjects, are acknowledged in foreign countries; 2. a foreigner, who is plaintiff against a subject, must abide by the decisions of the laws of the country in which he pleads; 3. when the validity of an act done in a foreign country is in question, it ought to be decided by the laws of that foreign country; 4. sometimes the parties agree to the question being determined by particular laws of a foreign country; 5. a foreign law may have been received as a subsidiary law; 6. foreigners sometimes obtain the privilege of having their disputes with each other settled by the laws of their own country.

The sovereign has the right of appointment to the different departments in the administration. He may command his subjects not to serve in foreign states, either

either in a civil or military capacity; or he may recall them from a foreign country; and, above all, he may forbid them from serving against the state. The sovereign may also dispose of titles and dignities, and he may add to them such privileges as he thinks proper. But the dispositions the sovereign makes relative to employments, titles, and dignities have, strictly speaking, no effect in foreign countries, so that, 1. no sovereign has a right to require foreign states to attribute to his subjects the dignity, honours, and precedence which he has thought proper to grant them at home; and, 2. no sovereign can confer a title and dignity on any subject of a foreign state against the will of his natural sovereign.

The expences of government ought to be defrayed by all those who enjoy the protection of the state. A foreigner, therefore, enjoying the protection of a state, cannot, while he remains in it, expect to be exempted from imposts: besides, it may be made a condition of his admission. He may even be loaded heavier than the subjects, if no treaty between this state and his own specify the contrary. The sovereign not being obliged to permit the entry and passage of foreign merchandise, may also affix certain duties on their entry.

One of the most essential rights in the hands of the sovereign is the *judiciary power*. It extends indiscriminately to all who are in the territory, except such as are exempted from their extritoriality; such as foreign princes and ministers, with their retinues; and sometimes the sovereign grants to foreigners the privilege of being tried by their own judges, under the name of consuls, &c. Foreigners, even though they should not live in the territory, are obliged to address themselves to the tribunals of a state to obtain justice against its subjects.

To determine the effect that a sentence pronounced in one state may have in other states, it is necessary to distinguish two points, its validity and its execution. With respect to the latter, no sovereign is positively obliged to execute in his territory a sentence pronounced out of it. Nevertheless, the particular connection subsisting between two several states, and in virtue of which they form a compound state, may oblige them to execute reciprocally every

sentence pronounced by a competent judge. 2. Sometimes states enter into reciprocal engagements by treaty, for the purpose of executing sentences. 3. Friendship and utility often induce a state not to refuse the execution of a sentence, pronounced by a competent judge, when the request has been made with an offer of rendering a similar service. With respect to the validity of a sentence pronounced in a foreign country, if such sentence has been pronounced by a judge every way competent, after a regular trial, no foreign judge can admit a second suit on the same cause, and between the same persons. The sentence has the same force as the awards of arbitrators, appointed by the parties, ought to have in a state of nature.

The end of civil society requires that the sovereign have a right to forbid and to punish actions injurious to the state and its members. A sovereign can punish foreigners, whether they have committed a crime in his dominions, or take shelter there after its commission in a foreign country. According to modern custom, to send the criminal back to the place where the crime has been committed, is frequently granted on the request of a power who offers to render the like service; but it is very unfrequent to send one from the place where the crime has been committed, to his own country to be tried and punished.

The criminal power being confined to the territory, no act of its authority can be exercised in foreign countries, without violating their rights. Consequently, neither the pursuit of a criminal by armed men, nor a seizure and carrying away by force, can take place in a foreign country, without permission of the sovereign, or a treaty authorizing it. By the same principles a sentence which attacks the honour, rights or property of a criminal, cannot extend beyond the territory of the sovereign by whom it has been pronounced. The right of cancelling a criminal suit, or pardoning a criminal, can be exercised by no sovereign out of his dominions. A prince may pardon a crime committed in his own or a foreign country, but this pardon cannot prevent a foreign sovereign from prosecuting the same person for the same crime, when he can seize him.

Public utility requires that the right of coining money



money be in the sovereign. He alone can fix the value of it, and if he does not abuse his authority, the subject cannot refuse to receive and make payments in the money prescribed by the sovereign. Foreigners also, whether they reside in the territory, or only deal with the subjects of the state, are obliged to submit to the laws of the country with respect to payments. But the right of coining extending no farther than the territory of the state, no sovereign is obliged to admit foreign money into his dominions; and if he does admit it, he has an indisputable right to fix its value, without respect to that which it bore in the country where it was coined. On these points, which affect the property of states as well as individuals, the rigour of the law of nature has been preserved entire.

Since the 15th century the institution of *posts* has been adopted in most states of Europe, and they have almost universally been made one of the rights of the sovereign. A free passage for posts, and a particular protection due to them, are generally acknowledged in time of peace, and they have even sometimes been stipulated for by treaty. The sovereign, in taking on him the institution of the posts, becomes responsible for the fidelity of those whom he employs in the service; he ought also to take measures to protect them from violence, but it does not follow that he is to be accountable for what is taken from the post by violence.

The rights of the sovereign relative to the *religion* of his states are reduced to three principal points; 1. to determine what religion or religions shall be there exercised, and what degree of liberty shall be granted to each; 2. to protect the religions whereof he has permitted the exercise; and, 3. to exercise a supreme inspection over every thing that concerns the church, in order to prevent and correct abuses which slide into the state under the pretext of religion.

A natural consequence of the liberty and independence of nations is, that every sovereign has a right to make in his own dominions whatever arrangement he may judge proper for the internal security of the state, whether to return the blow he has received, or ward off that by which he is menaced: therefore, if not bound by treaty, he may build for-

tresses, augment the number of his troops and ships, conclude treaties of alliance, subsidy, &c. and do, in short, every thing necessary to enable him to support a war. But extraordinary armaments seldom fail to excite the apprehension, and give umbrage to the neighbouring powers. Hence policy has introduced the practice of requiring explanations concerning such armaments; and the sovereign not unfrequently gives previous notice to the states in friendship with him, that he finds it necessary to take measures of security, and to explain his reasons. When a satisfactory reason cannot be given, a sovereign pleads the independence of nations; and nations in this case being, as already said, like individuals in a state of nature, have often recourse to the sword as the only means of settling their differences. On a principle established on this custom, it is held, that those powers who take umbrage at the extraordinary armaments of their neighbours should precede hostilities by an amicable explanation.

Every sovereign state has a right to make with other powers what treaties may be conducive to its interests, provided such treaties do not violate the rights of another. Foreign powers cannot force a treaty on a free state, nor dispose of its rights by treaties between themselves. They, however, sometimes do so by the *right of the strongest*.

Notwithstanding the difference in power or forms of government, all states enjoy, according to the law of nations, an equality of rights relative to *honours*. Each state has a negative authority over every other in this respect; but none can claim a perfect right of demanding positive marks of distinction or preference. The titles and other marks of honour which a nation gives to its sovereign produce no necessary effect on foreigners. At the same time foreign nations generally, in fact, acknowledge the titles bestowed on a sovereign by his own state, and policy induces states to give precedence and other marks of distinction to states who, from superior power, may be either dangerous or useful to them, whose displeasure they find it necessary to avoid, or whose friendship they wish to cultivate.

Of *dignities*, those of *emperor* and *king* are, in Europe, reckoned the most eminent. The vast power

of the ancient Roman emperors, who had among their subjects many kings, doubtless introduced the idea that the imperial dignity was not only superior to that of king, in respect of honour and precedence, but that it also conferred a higher degree of power and independence. At present, however, the title or dignity of emperor is not considered greater *in itself* than that of king.

Custom has attached certain prerogatives to the imperial and royal dignities, comprehended under the denomination of *royal honours*. These belong to all crowned heads, and have also been communicated to states whose sovereigns are not kings. The right to an embassy of the first order, the right of precedence of other states, and a variety of distinctive ceremonies, make part of royal honours. Precedence is, among courts, considered as an object of much importance. By precedence or rank is meant the right of occupying the place of honour, when several powers assemble, either personally or by their representatives, or when their names or titles meet in the body or signature of a public act. To this all powers lay claim, pleading the antiquity of their independence, the antiquity of the reigning family, their prior profession of christianity, their power, their form of government, the number of their crowns, titles, dignities, &c. Neither of these, however, it is now admitted, give a title to precedence. Where treaties are silent all depends on possession, and this likewise is often disputed. Kings yield the precedence to every foreign king who comes as such to visit them in their dominions. The Emperor of Germany alone refuses this. In congresses, formed to treat of peace, the ambassador who acts as mediator, takes the lead of ambassadors of other kings. See *Maritime Honours, War*.

**LAW, MERCHANT**, is a system of customs acknowledged and taken notice of by all commercial nations, and these customs constitute a part of the general law of the land; and being part of that law, their existence cannot be proved by witnesses, but the judges are bound to take notice of them *ex officio*. These customs are of the highest validity in all commercial transactions. See *Custom of Merchants*.

**LAZARETTE**, a detached building for persons com-

ing from places suspected of the plague. See *Quarantine*.

**LEAGUE**. See *Treaties*.

**LEAKAGE** is a certain allowance made at the custom-house: thus, an allowance of 12 per cent. is made at the custom-house for waste and damage received by wines imported; and an allowance of two barrels in twenty-two is allowed by the officers of excise to the brewers of ale or beer. See *Customs, Excise, Imports*.

**LEASE** is a conveyance of lands or tenements, in consideration of rent or other annual recompence made for life, for years, or at will, but always for a less time than the interest of the lessor in the premises; for if it were of the whole interest, it would be more properly an assignment.

A lease may either be made in writing or by word of mouth, the former of which is the most usual; but by the statute of frauds, 29 Car. II. c. 3, all leases of lands, except leases not exceeding three years, must be made in writing, and signed by the parties themselves, or their agents duly authorized, otherwise they will operate only as leases at will.

If a lease be but for half a year, or a quarter, or less time, the lessee is respected as a tenant for years; a year being the shortest term of which the law in this case takes notice, *Litt. S. 58*.

To constitute a good lease, there must be a lessor not restrained from making such lease, a lessee capable of receiving it, and the interest demised must be a demisable interest, and be sufficiently and properly described. If it be for years, it must have a certain commencement and determination; it is to have all the usual ceremonies, as sealing, delivery, &c. and there must be an acceptance of the thing demised, 1 Inst. 46. *Litt. S. 46. See Deed*.

**LEATHER**. See *Excise, Exports, Imports*.

**LEDGER** is a book of accounts kept by tradesmen, where every man's account is entered separately as extracted from the journal. See *Book-keeping*.

**LEEDS**, a town of the west riding of Yorkshire, 196 miles from London, has a magnificent stone bridge over the river Aire to the suburbs; by the late inland navigation it has communication with the rivers Mersey, Dee, Ribble, Ouse, Trent, Darwent, Severn, Humber, Thames, &c. which navigation, including its

its windings, extends above 500 miles in the counties of Lincoln, Nottingham, Lancaster, Westmoreland, Chester, Stafford, Warwick, Leicester, Oxford, Worcester, &c.; and a hall for the sale of cloth. The merchants of this place, York, and Hull, ship them off at the latter for Holland, Hamburg, and the north. The mode of transacting business in woollen cloth, which is the staple here, is singular. At the ringing of a bell, at seven in the morning, the dealers in cloth assemble, and transact their business to a very large amount before half past eight; when the bell rings again, and the clothiers give place to the other tradesmen who bring their goods to market. The woollen cloths made here, and in the country round, are principally from Hull.

**LEGACY** is a bequest of a sum of money, or any personal effects of a testator, and these are to be paid by his representative, after all the debts of the deceased are discharged as far as the assets will extend.

All the goods and chattels of the deceased are by law vested in the representative, who is bound to see whether there be left a sufficient fund to pay the debts of the testator, which, if it should prove inadequate, the pecuniary legacies must proportionately abate; a specific legacy, however, is not to abate unless there be insufficient without it.

If the legatee die before the testator, such will in general be termed a lapsed legacy, and fall into the general fund; where, however, from the general import of the will, it can be collected that the testator intended such as a vested legacy, it will in such case go to the representative of the deceased legatee.

If a bequest be made to a person, if or when he attains a certain age, the legacy will be lapsed if he die before he attain that age; but if such legacy may be made payable at that age, and the legatee die before that age, such legacy will be vested in his representative.

If in the latter case the testator devise interest to be paid in the mean time, it will nevertheless be a vested legacy.

Where a legacy is bequeathed over to another in case the first legatee die under a certain age, or the like, the legacy will be payable immediately on the death of the first legatee; and though such legacy be

not bequeathed over, yet if it carry interest, the representative will become immediately entitled to it.

In case of a vested legacy due immediately, and charged on land, or money in the funds which yields an immediate profit, interest shall be payable from the death of the testator; but if it be charged on the personal estate only of the testator, which cannot be collected in, it will carry interest only from the end of the year after the death of the testator. 2 *Peere Wms.* 26.

If a bequest be for necessities, and of small amount, the executor will be justified in advancing a part of the principal; but this should be done under very particular circumspection, as the executor may be compelled to pay the full legacy on the infant's attaining his majority, without deducting the sums previously advanced. 3 *Br. Ch. Ca.* 178.

When all the debts and particular legacies are discharged, the residue or surplus must be paid to the residuary legatee, if any be so appointed in the will; but if there be none appointed or intended, it will go to the executor or next of kin.

When this residue does not go to the executor, it is to be distributed among the intestate's next of kin, according to the statute of distributions, except the same is otherwise disposeable by particular customs, as those of London, York, &c. See *Distributions, Surplus.*

**LEGHORN**, a handsome city of Italy, in the late duchy of Tuscany, and a free port, but at present under the king of Etruria. It is 60 miles south-west of Florence, in the territory of Pisa. All foreigners are allowed to settle here. The only defect of the harbour is its being too shallow for large ships. The port consists of two havens, the one hitherto used for the galleys belonging to government, and the other for merchant ships. It is surrounded with a double mole, about a mile and a half in length, and defended, together with the town, by a good citadel, and twelve forts. The trade carried on here is very great, and most of it passes through the hands of the Jews, though only two piastres or scudi are paid for every bale, great or small, imported or exported; yet the duties on all provisions and commodities brought from the continent to the town are very heavy. The number of the inhabitants is said to be about 45,000, and one-third of these are Jews,

Jews, who live in a particular quarter, and have a splendid synagogue. They have engrossed the coral manufactory, have a considerable trade, and possess the chief riches of the place. There is a good anchorage in the road, but ships riding there are much exposed to the weather and the Barbary corsairs. The situation is naturally favourable for trade; and the freedom of the government, and good laws, which have attracted commerce at all times, where the circumstances and situation of a place were such as to admit of it. Leghorn owed much of its success in commerce to the wise laws established there; but it has undergone a change of masters, the effects of which time alone can shew.

**LEICESTERSHIRE**, a county of England, bounded on the north by Nottinghamshire, on the east by the counties of Lincoln and Rutland, on the south by Northamptonshire, on the south-west by Warwickshire, and on the north-west by Derbyshire. The soil affords great quantities of rich grazing land, peculiarly fitted for the culture of beans. The north-east parts feed a great number of sheep, and the county is famous for its large black horses, sheep, and horned cattle. The manufacture of stockings is the principal.

**LEIPSIC**, a large, strong, and populous free city of Misnia, in Germany, with a castle, and a famous university. It is neat and regularly built, and the streets are lighted in the night. It carries on a great trade, and has a right to stop and sell the merchandize designed to pass through it; and the country, for 75 miles round, has the same privilege. There are three great fairs every year at the beginning of the year, Easter and Michaelmas, which last 15 days each. One of the great staples at these fairs consists of printed books; but in general all goods wanted in the north of Germany, Poland, and the adjoining countries, from foreign parts, are brought to the fairs of Leipsic; where also may be had all the productions and manufactures of those parts which may be wanted by strangers. Merchants and their travellers from all parts of Europe attend those fairs, at which a great deal of business is done in all the three ways of barter, ready-money, and credit. The town contains from 30 to 40,000 inhabitants, who nearly all live by

manufactures or commerce, which they carry on both on their own account, and by commission, for merchants in Germany, Poland, Russia, as well as for such other commercial men as transact business at the fairs.

**LEITH**, a seaport of Edinburghshire, on the Frith of Forth, two miles north of Edinburgh, of which it is the port. The commerce of Leith is very considerable, and the vessels employed in the London trade are of a great size. To Germany, Holland, and the Baltic are exported lead, glass-ware, linen, woollen stuffs, and a variety of other goods; as also to the other countries of Europe, the West Indies, and America. Ships of great size are built at this port; and here are several extensive rope-works. There are also flourishing manufactures of bottle-glass, window-glass, and crystal, and some iron forges. The harbour is commodious, and there are wet and dry docks for the building, repairing, and preservation of shipping. In proportion as Edinburgh augments in size, Leith must also increase in trade and in extent. As there are on the east coast of Scotland a number of seaports at no great distance from each other, it is not in the nature of things that any individual one should rise to a very great degree of superiority, but Leith is the first, and will continue so in all probability.

**LETTER**. By stat. 23 G. III. c. 58. s. 1, a letter which is to be produced as evidence of an agreement, must be stamped before it can be given in evidence; but written letters, promising payment of a debt, need not be stamped, but fall within the exceptions of stat. 25 G. III. c. 51, in favour of letters between persons carrying on trade.

**LETTERS OF ATTORNEY**. See *Power of Attorney*.

**LETTER OF CREDIT**. See *Credit, Letters of*.

**LETTER OF LICENCE** is a written permission granted to a person under embarrassment, allowing him to conduct his affairs for a certain time without being molested. Such instrument will bind all the creditors by whom it is executed, and it generally contains certain stipulations to be observed by all parties.

**LETTERS OF MARQUE** are extraordinary commissions granted to captains or merchants for reprisals, in order to make a reparation for those damages they have sustained,



sustained, or the goods they have been deprived of by strangers at sea.

These appear to be always joined to those of reprisal for the reparation of a private injury; but under a declared war the former only are granted.

The reprisals granted by the laws of England are of two sorts, ordinary and extraordinary; the ordinary are either within or without the realm, and always granted to English merchants, who have suffered in their persons or effects, and have had their goods spoiled or taken from them beyond the sea by merchant strangers, and cannot upon suit, or the king's demanding justice for him, obtain redress; in such case, the injured person proving that he has prosecuted the offenders in a legal course, and had justice delayed or denied him, shall have a writ out of chancery to attach the merchant strangers of that nation, or their goods here in England; and which is granted to the subject oppressed, not as a matter of favour, but of common right, by the lord chancellor, who always, in such case, hath the approbation of the king or council, or both, for his so doing. *Molloy de Jure Mar.* p. 29. s. 7. See *Privateers*.

LETTERS OF SAFE CONDUCT. See *Safe Conduct and Passports*.

LETTERS PATENT. Patents for inventions grant the exclusive privilege to an inventor for the making and vending of his invention for the term of 14 years. Formerly the sovereign had and exercised the power of granting exclusive privileges unconditionally to any person whom it was thought proper to favour; but all patents now granted for inventions can only be granted in consequence of an affidavit made and delivered in, stating that the invention is new, and has never before been put in practice in England, and upon condition that the petitioner, within three calendar months, shall lodge and enroll in the patent office a specification or description, with designs and drawings, if necessary, by which the invention may be so described, as to be put in execution by competent persons. The patent granted becomes null and void if the patentee does not fulfil the conditions, or if it can be proved that the invention was in use before the time that such letters patent were granted.

A patent for an invention proceeds upon the most equitable footing. If the patentee solicits one for

an improvement which he apprehends to be new, but which can be proved had before been put in practice, then, upon proof thereof, the privilege is void; if, on the contrary, any one infringes the patent of another, and cannot bring sufficient proof that the invention is not new, an action lies for damages, and will be recovered in proportion to the injury sustained, and the patent will remain in full force.

The term of a patent is for 14 years, which neither can be renewed or extended but by an act of parliament, which is never granted unless the petitioner makes good a case, proving that the nature of his invention is such, that the usual term of 14 years would not be sufficient to pay the inventor for his labour, invention, and capital. As an example, Mr. James Watt, who improved the fire-engine in so wonderful a manner, and so much to the advantage of this nation, after employing above seven years to bring it to perfection, and, with the aid of Mr. Bolton, expending above 20,000l. obtained an act of the legislature for an extension of the term to 25 years; but in a matter of less importance, and more easily brought to perfection, such an extension would have been contrary to the principle on which patents proceed.

Inventions are of two sorts. The one is for an application of a new principle; the other is for an improved mode of applying an old principle. In the first case, the surest method of drawing up a specification that cannot be evaded, is by stating simply and generally the principle, and making the petition extend to all applications and modifications of that principle; but in the second case, the specification must be made out very differently, and describe minutely all the different modes that can be thought of for executing what is intended. Neglecting to specify in time, or a wrong specification that tends to mislead, instead of describing how to execute the invention, will destroy a patent, and make it void.

The preamble to the 21st James I. c. 3, begins by stating, that whereas, from misinformation and untrue pretences of public good, many grants had been unduly obtained, and unlawfully put in execution, to the great grievance and inconvenience of his majesty's subjects, contrary to the laws of the realm, and to his majesty's gracious intentions, &c. &c.; all patents and grants for monopolies are revoked and forbidden for

time to come, with certain exceptions therein contained, and particularly that made in order to preserve patents for inventions.

How far the immediate successors of king James attended to the spirit and letter of this wise act, may be concluded from the conduct of Charles the First, whose necessities again led him to have recourse to the ruinous mode of raising money by the sale of patents and monopolies.

Charles the First, during his reign, was constantly granting patents and monopolies, by which foreign trade was frequently injured, and the arts at home greatly cramped. When at York in the year 1639, on his way to suppress a rebellion in Scotland, he found it necessary, by an edict, to suppress the following privileges, in order to appease the discontents of his English subjects.

The preamble runs thus :

Whereas divers grants, licences, privileges, and commissions had been procured from him on pretence of the public good and profit of his subjects, which since, upon experience, have been found to be prejudicial and inconvenient to his people, and in their execution have been notoriously abused, he is now pleased, of his mere grace and favour, with the advice of his privy council, to declare these following to be utterly void and revoked, viz.

1. A commission touching colleges and inmates.
2. Do. touching scriveners and brokers.
3. Do. for compounding with offenders touching tobacco.
4. Do. do. with offenders exporting butter without licence.
5. Do. do. do. importing logwood.
6. Do. do. do. with sheriffs for selling under-sheriffs places.
7. Do. do. for destruction of woods by iron-works.
8. Do. do. for concealments and encroachments within 20 miles of London.
9. Do. do. for a licence to export sheep and lamb-skins.
10. Do. do. with dressers of venison, pheasants, and partridges in inns, ale-houses, ordinaries, and taverns.
11. Do. do. for licencing brewers.

12. A commission for the sole transporting of lam-pries.

13. Do. do. for weighing hay and straw.
  14. Do. do. for an office of register to the commission of bankrupts in each county.
  15. Do. do. for gauging of red herrings.
  16. Do. do. for marking of iron made in England.
  17. Do. do. for sealing of bone lace.
  18. Do. do. for marking and gauging butter casks.
  19. Do. do. for the privilege of using kelp and sea-weed.
  20. Do. do. for sealing linen cloths.
  21. Do. do. for gathering of rags.
  22. Do. do. for grant of a factory for Scotch merchants.
  23. Do. do. for searching and sealing foreign hops.
  24. Do. do. for sealing of buttons.
  25. Do. do. all grants of fines and penalties before judgment granted.
  26. Do. do. all patents for new inventions not put in practice within three years of the grants.
  27. The several grants of incorporation to hat-band-makers, gutstring-makers, spectacle-makers, comb and tobacco-pipe-makers, butchers, and horners.
- The king gained about 200,000l. annually by those commissions, which were granted merely for gain, without any consideration of the general interests of the people.
- It was not till after the revolution, which placed king William on the throne, and by fixing a bound to royal power, laid a solid foundation for the rights and liberties of the subject, that the true spirit of the act of the 21st Jac. I. c. 3, was followed and acted upon.
- By this statute a manufacture must be substantially and not barely an additional improvement, to be within its meaning. It must be such as there are none others of at the time of granting the letters patent; and an old manufacture in use before, cannot be prohibited by any grant for the sole use of any such new invention. 3 Inst. 184. A grant of a patent of monopoly may be to the first inventor, notwithstanding the same thing had been practised before beyond

yond sea. The statute mentions new manufactures within the realm; and the principle on which it is founded, is that of giving a public reward to him who has procured a public advantage; it is therefore to reward the service, not the merit, that the law interferes, in the eye of which it is the same, whether acquired by experience or travel abroad, or experience at home. 2 *Salk.* 447.

Though by the act a bare improvement on a manufacture does not entitle the inventor to a patent for the manufacture itself, yet a patent for the improvement may be obtained, and is good. A patent may either be for a new article, or a new method of producing an old article, or for an improvement in the quality, form, or utility of any old article.

LEVANT. The trade to Smyrna, Alexandretta, Aleppo, Cyprus, Alexandria, Rosetta, Grand Cairo, Angora, and Beibexar, is called the Levant trade. These coasts were in the ancient world, and until the discovery of the mariner's compass, the residence of nearly all the commerce of the world. Caravans from the Red Sea and the Persian Gulph brought thither the productions of the farther Indies.

Smyrna is the chief port; it is both capacious and commodious, and there are generally several hundred of merchant vessels in the road at one and the same time.

The caravans which bring goods overland, arrive and depart at fixed periods, according to which the European merchants regulate the arrival of their ships.

Of Asiatic nations, the Armenians carry on the greatest trade. Of Europeans, the English; then the Dutch, and after them the French.

The goods sent there are chiefly cloths, woollen, linen, and cotton, hard dollars, caps, paper, cochineal, tartar, verdigris, indigo, pewter wares, dying woods, spice, sugar, cutlery, glass, and hardwares. The returns for the merchants of all European nations are the same, Angora goats and camels hair, gums, senna, coffee, opium, yellow wax, alum, cotton, wool, currants, camlets, Morocco skins, buffaloes hides, shagreen, sponges, mastic, saffron, galbanum, galls, ashes, box, anniseeds, fustians, buckrams, carpets, silks of several sorts, cotton stockings, Turkey handkerchiefs, Volonia soap, pearls, diamonds, rubies, and other pre-

cious stones, opoponax, agaric, tutti, musk, and amber.

Next to Smyrna for trade, and Constantinople and Cairo for grandeur and extent, are Aleppo and Alexandretta.

The whole extent of the Levant trade does not amount to any very great sum. It has been impeded and changed by the French invasion of Egypt, and has not yet returned to its former situation, but is never likely to be greater than at present, and it has been on the decline for the last century.

LIBEL is a malicious defamation or holding up to ridicule of any person living, or the memory of one that is dead, by writing, printing, drawing, painting, making effigies, &c. and damages may be obtained by the party injured, by an action against all the parties concerned.

With respect to libels there are two remedies, one by indictment, and another by action. The former for the public offence, as provoking a breach of the peace; and it is not allowed to allege the truth of it by way of justification. But in the remedy by action on the case, which is to compensate the party in damages for the injury sustained, the defendant may, as for words spoken, justify the truth of the facts, and shew that the plaintiff has received no injury at all.

Whatever renders a man ridiculous, or lowers him in the opinion of the world, amounts to a libel, though the same expressions, if spoken, would not have been defamation.

A young lady of quality recovered 4,000*l.* damages for reflections upon her chastity, published in a newspaper; yet she could have brought no action for the grossest aspersions which could have been uttered against her honour.

There are authorities that truth is not a justification in an action for a libel; and a learned writer seems to doubt whether such a plea would now be admitted by the courts, if the accusation in the libel did not amount to an indictable offence. 3 *Wood* 182.

If an action is brought for a libel written in a foreign language, the original, with a translation, must be stated in the declaration; the translation alone will not be sufficient. 6 *T. R.* 162.

A picture, intended to make any one ridiculous, is equally actionable, as if the same effect had been  
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produced

produced by any other mode of publication, though no damage can be proved.

An action for a libel differs from an action for words; for the former may be brought at any time within six years, and any damages will entitle the plaintiff to full costs.

Though it has been held, at least for these two centuries, that the truth of a libel is no justification in a criminal prosecution; yet in many instances it is considered as an extenuation of the offence, and the court of king's bench has laid down this general rule, viz. that it will not grant an information for a libel, unless the prosecutor who applies for it makes an affidavit, asserting directly and pointedly that he is innocent of the charge imputed to him; but this rule may be dispensed with, if the person libelled resides abroad, or if the imputations of the libel are general and indefinite, or if it is a charge against the prosecutor for language which he has held in parliament. *Doug.* 271, 372.

It had frequently been determined by the court of king's bench, that the only question for the consideration of a jury in criminal prosecutions for libels, were the fact of publication, and the truth of the imputations; that is, the truth of the meaning and sense of the passages of the libel, as stated in the record; and that the judge or court alone were competent to determine whether the subject of the publication was or was not a libel. *Dean of St. Asaph's case*, 3 T. R. 428. But the legality of this doctrine having been much controverted, the 32 G. III. c. 60, was passed, entitled, An act to remove doubts respecting the functions of juries on libels. By this act it is declared and enacted, that on every trial of an indictment or information for a libel, the jury may give a general verdict of guilty or not guilty upon the whole matter in issue, and shall not be required or directed by the judge to find the defendant guilty, merely on the proof of the publication of the paper charged to be a libel, and of the sense ascribed to it in the record. But the statute provides that the judge may give his opinion to the jury respecting the matter in issue, and the jury may at their discretion, as in other cases, find a special verdict, and the defendant, if convicted, may move the court, as before the statute, in arrest of judgment. A person may be punished for a libel reflecting on the

memory and character of the dead, but it must be alleged and proved to the satisfaction of the jury, that the author intended by the publication, to bring dishonour and contempt on the relations and descendants of the deceased. 4 T. R. 126. The sale of a libel by a servant in a shop is *prima facie* evidence of publication in a prosecution against the master, and is sufficient for conviction, unless contradicted by contrary evidence, shewing that he was not privy, or in any degree assenting to it. *Ibid.* and 5 *Burr.* 2686.

When a person is brought to receive judgment for a libel, his conduct subsequent to conviction may be taken into consideration, either by way of aggravating or mitigating the punishment. 3 T. R. 432.

LICENCE is a permission to carry on various trades upon which duties are laid to government by the excise. The following are the principal trades for which licences are required.

Auctioneers,	Mead,
Brewers of strong beer,	Oil leather dresser,
Brewers of small beer,	Parchment makers,
British wines makers,	Pawnbrokers,
Brandy dealers,	Quack medicines,
Coachmakers,	Starch makers,
Candle makers,	Sweets,
Calico printers of stuff,	Soap makers,
linen and cotton,	Tobacco and snuff dealers,
Curriers,	Tea dealers,
Distillers,	Tawers of leather,
Glass-makers,	Tanners,
Hatters,	Vellum makers,
Horses, post,	Vinegar makers
Horse dealers,	Victuallers,
Hawkers and pedlars,	Wire drawers,
Lottery office keepers,	Wine dealers.
Maltsters,	

LIEN signifies a claim or obligation annexed to or attached upon any property, which a person has in his possession for a debt due from the party who is the proprietor of such property.

The privilege of lien is generally attached to those cases where the debt demanded arises out of the thing itself: thus, in the case of a contract for goods where no time is fixed for payment of the purchase money,



money, the vendor may refuse to deliver up the goods, and is entitled to retain them until the payment is made.

This practice, which is highly convenient to trade, as allowing the retention of the property in the hands of a claimant, is permitted, first, where there is any express contract to that effect; and, secondly, where such contract is implied, either from the usage of trade, or the mode of dealing between the parties. 4 *Bur.* 2221.

Thus a carrier may retain goods for his hire, *Ld. Raym.* 166; but if the price of the carriage be tendered, he will have no lien for booking or warehouse-room. 1 *Espin.* Rep. 119.

A wharfinger may also detain goods brought to his wharf, for the balance of a general account, 1 *Espin.* Rep. 109; and goods may also be retained for tonnage, salvage, or freight. *Park* 131.

A banker also has a lien upon bills deposited with him for the balance of a general account. 1 *Espin.* Rep. 66.

Insurance brokers have also a lien upon policies of insurance in their hands, and are entitled to deduct out of any money they receive from the assured, not only the premium and commission due upon the particular policies, but for the balance due upon the general account between them and their principals; and it has been decided, that if a broker should part with the possession of the policy, by which his lien is lost, yet if he gets it back for any purpose whatever, his lien shall revive.

A factor also has a lien upon goods in his possession, not only for those particular goods, but for the general balance due; and he has also a lien for his money for such goods in the hands of the purchaser, 2 *Black. Rep.* 1154. *Corop.* 251; and even although goods had been assigned to a factor by a trader in insolvent circumstances, and the factor knowing of this fact, nevertheless advanced him money on the credit of the goods, it was adjudged, that he was entitled to a lien upon them for the money he had advanced, and should hold them against the assignees of the consignee. 1 *Black. Rep.* 103.

In the case of manufacturers, however, the lien they have upon the goods to be manufactured is not a general lien, but is confined to the work done on

those particular goods, unless an express usage of trade be proved to the contrary.

A manufacturer who takes in goods for a particular purpose (as a dyer or tailor), has a lien upon them for the work done on the goods themselves; but he cannot retain them for any other demand against the owner of the goods, unless a general usage be shewn. 4 *Purr.* 2214.

The usage of trade, however, will create a general lien; as in the case of packers lending money to clothiers, where the cloths left to be packed were considered as a pledge, not only for the packing, but likewise for the loan of the money. 1 *Atk.* 237. *Prec. Chan.* 380.

A calico printer has been held to have a lien upon the goods in his possession, not only for the price of printing the particular linens, but for the price of printing others which had been previously delivered.

A miller has also a lien for the price of grinding corn. 1 *Atk.* 235.

An innkeeper also may detain a horse left with him, till he be paid for his keeping; and he may also retain other goods belonging to his guest, for payment of his reckoning. 1 *Roll. Rep.* 449, and 1 *Salk.* 388.

A creditor also, on the event of his debtor becoming a bankrupt, may retain money come to his hands, where mutual credit has been given, although his debt is not payable till a future day, and such retainer may be contrary to the agreement between them. 7 *T. R.* 378.

The right of lien, however, being admitted only for the benefit of trade, is to be confined in its operation to that only. Thus, where a defendant paid the duty at the custom-house for a parcel of goods the property of the plaintiff, which had arrived in the same ship with others of the defendant, it was held, that he should not retain the goods till paid what he had advanced for the duty, for he might have brought his action for the money. 1 *Str.* 651.

Goods delivered to a person claiming them wrongfully, who pays freight and other charges, cannot be retained for those expenses against the rightful owner. 2 *T. R.* 485.

In cases of pawns, the very act of pawning creates a lien; but a pawnbroker has no lien on plate, after  
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the death of a tenant for life who pawned it with him, against the remainder man, although the pawner had no notice of the settlement. 2 T. R. 376.

It is a rule in the doctrine of lien, that no person can in any case retain where there is a special agreement to pay; for, in this case, not the property, but the person is liable. *Bull. N. P.* 45.

It is also a general principle, that as a lien is only the power of retaining, it cannot in any case be extended where the party has once parted with the possession. If therefore any person, having such retainable property as constitutes a lien, once part with that property, he loses the lien, unless, under particular circumstances, he regain possession, in which case the lien will revive.

Under the subject of liens may be classed the power of stoppage *in transitu*. Thus, if a vendor of goods before actual possession by the vendee, has such a lien upon the goods he sends, that where the vendee becomes a bankrupt he may stop the goods before they come into his possession, this is called stoppage *in transitu*. See *Retainer, Stoppage in transitu*.

LIFE INSURANCE. See *Insurance, Life*.

LIGHTS and LIGHT-HOUSE, is a tower advantageously situated on an eminence near the sea-coast, or at the entrance of some port or river, for the guidance of vessels in dark and tempestuous nights, by the assistance of lamps or fire burned upon the top of them. The principal light-houses in England are those of the Eddystone, Scilly, the Caskets, Portland, Dungeness, Foreland, Skerries, &c.

*Eddystone*. By 4 and 5 Anne, c. 20, masters and owners of vessels (except coasters) passing the above light-house by night, shall pay to the Trinity-House one penny per ton outward bound, and one penny per ton inward bound, viz. of the merchants one moiety, and of the owners another moiety; and of all such aliens' ships as shall pass by the said light-house two-pence for every ton of the burthen of the ship; and every coaster passing by the said light-house, shall pay two shillings for each time; the said duties to be collected by such persons as the said master, &c. shall appoint in such port whence such ship shall set forth, or where such ship shall arrive, before they load or unload; the said duties to be recovered by action of debt, &c.

The duties in the act 4 and 5 Anne, c. 20, directed to be paid by any ship passing by the Eddystone light-house, shall be paid for every such ship, as well those belonging to her majesty's subjects as strangers, which pass by the said light-house from or to any port, and shall be received of the master of such ship in any part of Great Britain or Ireland, and recovered in any of her majesty's courts of law. 8 Ann. c. 17.

No custom-house officer shall make out any cockpit or other discharge, or take any report outwards for any ship, until the duties granted by the said act, and payable by the master of such ship, shall be paid, and that such master produces a light bill testifying the truth thereof.

Every person authorized by the Trinity-House may go on board any foreign ship to receive the duties, and for non-payment distrain any tackle belonging to such ship; and in case of any delay for payment in three days after distress, the receivers of the said duties may cause the same to be appointed by two persons, and to sell the said distress.

Another act, 3 G. II. c. 36, has been passed relative to the light-house built on the island of Skerries, in confirmation of letters patent granted to William Finch, Esq. for building the same, which enacts the same duties as the preceding act, though all the others receive but half.

The following are the other principal light-houses on the coast of Great Britain, viz. Portland, Caskets, Lizard, Scilly, Milford, Dudgeon Shoal or Well, Foulness, Winterton Small, Castor and Lowestoff, Buoyage and Beaconage, and St. Nicholas Gatt.

The duties are payable once only for each respective voyage out and in, but a single passage subjects every master of a ship to the duties.

All ships are to be rated, British and foreign, according to their full burthen, and the masters thereof are to pay for every time they pass any of the above lights, whether laden or empty.

It has been determined, that British built ships, owned by British subjects, sailing from foreign port to foreign port, and not having touched at any place in Great Britain, are not liable to the payment of the several light-house duties.

All light-houses may be considered as nocturnal buoys, giving to mariners in the dark (though in a  
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more incorrect manner) the information respecting the coast, and their own position, which the others do by day. When the greatest calamity that has ever threatened this country was at its height, namely, the mutiny of our seamen in 1797, the removal of buoys, and the extinction of the light-houses, produced the greatest effect in bringing the mutineers to the return of their duty. They not only saw from that measure, wisely concerted between the ministers and the merchants of London, that their situation was desperate, but it put them in the position of proscribed men, cut off from their country. The moral feeling, it is well known, acted even more forcibly than the physical difficulties with which they found themselves about to encounter, and submission was the immediate consequence. This was the second coalition between the merchants and the government that saved this country: the first was during the projected invasion by the Spanish armada; but of the two dangers, that which took place last was the greatest; for had not commercial men and the ministers stood forth when the revolt took place, we should not have seen the sudden, and, as it were, the almost supernatural change of sentiments that took place in those who had revolted against their sovereign and their country.

**LIMITATION OF ACTIONS.** Where a person has a claim upon, or has received any injury from another, and neglects to enforce that claim, or apply for redress for that injury, within a reasonable time, the law will presume it satisfied, and certain times are limited within which such actions shall be brought. This is termed *limitation of actions*.

By stat. 21 Jac. I. c. 16, all actions of trespass (*quare clausum fregit*, or otherwise), *delinque*, *trover*, *replevin*, *account*, and *case* (except upon accounts between merchant and merchant), debt upon simple contract, or for arrears of rent, must be brought within *six years*; and actions of assault, menace, battery, mayhem, and imprisonment, within *four years*; and actions of slander within *two years*.

Infants, married women, persons *non compos mentis*, persons imprisoned, or beyond sea, may sue within the above periods, after full age, becoming single, of sane memory, being at large, or returned; and the six years do not begin to run until the incapacity or inability is removed.

With respect to persons beyond sea, it has been

determined, that if one of a number of persons be abroad, and the others reside in England, the action must be brought within six years after the cause of action arises. 4 L. Rep. 516.

If a person resident in England, where the debt arose, die abroad, his representatives must sue within six years after the cause of action arises. 1 Wils. 34. And so if the plaintiff be in England at the time when a cause of action accrues, the time of limitation begins to run; so that if he or (if he dies abroad) his representative does not sue in six years, he will be barred by the statute. 1 Wils. 135.

A plaintiff who is a foreigner, and always resident abroad, is not within the statute, but has his remedy any time. Black. Rep. 723. 1 Wils. 145.

With respect to the construction of the statute relative to merchants accounts, it is now fully settled that the statute extends to accounts open and current only, and not to all actions and accounts relating to merchants and merchandize.

If, therefore, an account be stated and settled between merchant and merchant, and a sum certain be agreed to be due to one of them, if the party to whom the action is due does not bring his action within the limited time, he is barred by the statute. 1 Mod. 270. 2 Mod. 312.

By the exception in the statute concerning merchants accounts, it has been adjudged that no other actions are excepted, and that bills of exchange for value received are not such matters of account as are intended by the statute of limitations. Carth. 226.

In case of a mutual account of any sort between tradesmen or others, for any item of which credit has been given within six years, this circumstance will be considered as evidence of an acknowledgment of there being such an open account between the parties, and of a promise to pay the balance, so as to take the case out of the statute. 6 T. R. p. 189.

This exception, however, does not extend to the account of a tradesman with his customers, because these are not mutual dealings, and the tradesman is barred from recovering for more than those articles which have been sold within six years. Bull. N. P. 149.

It has been held under the statute, that in cases of executors, if the six years be not elapsed at the time of the testator's death, and the executor takes out proper process within the year, the bar by reason of the

the limitation will be saved, although the six years within which the demand accrued be elapsed before process sued out. *Bull* N P. 150.

When the time begins to run, the intervention of a legal disability in the person having right, will not prevent the time going against him. 3 T. Rep. 300, 306.

The statute, however, only bars the legal remedy, and a creditor to the required amount may strike a docket, although his debt is above six years standing. 1 *Salk*. 154.

And although the statutes of limitation bind the courts in equity, neither a trust, a mortgage, or a charity, are bound by these statutes. 2 *Salk*. 124. 2 *Vern*. 399. 1 *Vern*. 256. 1 *Chanc*. Ca. 102.

The statute of limitations, as a plea to a just debt, is so far discountenanced by the courts, that a very slight acknowledgment is now held sufficient to destroy its operation, the sense and spirit of the statute not being to prevent lawful debts from being paid, merely on account of the length of time they have been due, but to establish a security against fraudulent demands, when vouchers may perhaps be lost, or witnesses to a payment made, without any other proof, may be dead. 1 *Gilb*. Evid. 410.

Thus a letter written by a defendant (who pleaded the statute of limitations) to the plaintiff's attorney, on being served with a writ, couched in ambiguous terms, neither expressly admitting nor denying the debt, shall be left to a jury to consider whether this amount to an acknowledgment. 3 T. Rep. 760. As will a promise from a servant or agent of the debtor. 2 *Esp*. Rep. 511.

Where there are two or more drawers of a joint and several promissory note, the acknowledgment of one may be given in evidence in a separate action against another, and will defeat the effect of the statute. *Deng*. 620.

The statute runs from the time the debt becomes due on a bill or note, and not from the date. *H. Bl*. 631.

If a debt or duty is to arise from an executory consideration, as for payment on request made, or other act to be done, the statute runs from the time of the request made or act done only, and not from the time of the precedent promise. *Bull*. N. P. 151.

Where a person has a debt owing to him, and the

party is abroad, or if for private reasons he deems it imprudent to see his debtor, he may sue out and file a writ, which will operate as a demand, and keep his claim alive.

The statute of limitations does not extend to cases of slander, where special damage is the object. *Bull*. N. P. 11. Nor to *crim. con.* where the criminal conversation, and not the assault, is the gist of the action.

The constructions upon this statute are so important, and of such universal application, that it has been deemed expedient to detail them thus minutely. LINCOLN, a city the capital of Lincolnshire, with a market on Friday. The chief trade is in coal, brought by the Trent and Fossdike, and oats and wool, which are sent by the Withem. Here is a small manufacture of camlets. It is 32 miles north-east of Nottingham, and 133 north of London. Long. o. 25 W. lat. 53. 15 N.

LINEN. See *Excise*, *Exports*, and *Imports*.

LIVERPOOL, a sea-port in Lancashire. In no town of this united kingdom has the spirit of commercial enterprise been so conspicuously and successfully displayed as in this, which rivals even the metropolis in the extent of its commerce, and the magnificence of its docks and warehouses for the accommodation of the merchant.

Its near connection, and ready communication by internal rivers and canals, with the extensive manufacturing town and neighbourhood of Manchester; the coal country of Wigan; the unrivalled potteries of Staffordshire; the exclusive export of salt; its central situation on the western coast of the kingdom, communicating thereby with Dublin, and the northern parts of Ireland; the excellence of its harbour, and superior accommodation for shipping, have rendered Liverpool a formidable rival in the foreign trade to Bristol, and the other western parts of the kingdom.

Liverpool carries on a most beneficial and extensive commerce with America, Africa, France, Spain, Portugal, the Mediterranean, and all the countries situated on the Black Sea.

The minds of the inhabitants of Liverpool are more turned to exportation than manufactures, except those which relate to the construction and equipment of ships; these, however, are very numerous,



numerous, and the number of shipwrights only is said to exceed 3000.

Copper-plate printing upon china and earthen ware, was first invented here by Messrs. Sadler and Green, in 1752. A manufacture of queen's ware, upon the plan of the Staffordshire potteries, has been recently established about a mile above the town, on the south shore of the river.

Mills of various constructions for spinning of cotton are also abundant; and a great number of wind-mills for grinding corn, dyeing woods, drugs, &c. Here are several sugar houses, roperies, tobacco and snuff manufactories, red and white herring houses, two colour manufactories, four iron founderies, several pipe manufactories, and three glass houses; glass and picture frame making and gilding have also been considerably improved; and printing and engraving are in an advancing state, as well as coach and cabinet making; watch making is also very extensively pursued.

This port may be considered as an entrepot for the most valuable manufactures of the northern counties. It is well known that the wealthy manufacturers of Lancashire, Yorkshire, and Scotland, in general not being able to obtain remittances in cash for the vast quantities of goods they export, employ agents in Liverpool to effect the purchase of any produce that arrives in return for the manufactured goods. This observation will sufficiently demonstrate that a trade of this description must necessarily increase.

Ireland, also, from the situation of this port, finds it advantageous to consign hither considerable quantities of corn and linen, and to take off sugars, tobacco, rums, and other commodities, to a prodigious amount. Scotland also imports from Liverpool large quantities of goods.

Although the local position of Liverpool does not appear so advantageous for trade with the continent of Europe, yet, as the principal object of the merchant is to find the cheapest market, and as Liverpool, having only to realize the produce of manufactured goods, the gain of which is the sole object, it can afford to sell cheaper than any other; a demand, therefore, from these remote parts, cannot fail to continue. Thus British manufactured goods, su-

perior to all others in quality, will find their way thither, and in return receive that produce of which the manufacturing towns have so large a consumption.

The staple commodities of Liverpool are salt, coals, slates, glass, earthen ware, &c. articles that must always necessarily insure a considerable portion of trade, because there are ten sea-port towns to one in Europe, where vessels cannot always obtain cargoes, but if they carry the lower priced commodities to Liverpool, freights are always certain.

From estimates that have been made, it is calculated that Liverpool navigates *one twelfth* part of all the shipping in Great-Britain; that it has *one fourth* part of the foreign trade of Great-Britain, *one half* the trade of the city of London, and *one sixth* part of the general commerce of Great-Britain.

Some idea may be formed of the commercial spirit of Liverpool, from a comparison of the number of armed ships that have obtained licences to sail without convoy from the different ports of the kingdom. From July 1789, till the 31st of December 1799, 396 ships of the above description sailed from Liverpool, 32 from London, 50 from Lancaster, and 169 from all other parts.

The African trade forms a considerable part of the commerce of Liverpool. This trade, as well as the general trade of the port, has been since considerably augmented. From the year 1783 to 1793, both inclusive, the value of slaves imported into the West-Indies, in Liverpool vessels, amounted to 15,186,850*l.* sterling. 2,278,072*l.* being deducted from the above for commission, and all contingencies in the West-Indies, the net proceeds will amount to 12,908,823*l.* The factor on remitting home the above, has a commission of five per cent. amounting to 614,707*l.* leaving a balance of 12,294,116*l.* which on the average of the eleven years, is an annual remittance of 1,117,647*l.* the clear annual profit of which, after deducting all other expences, will produce to the merchant 214,677*l.* 15*s.* 10*d.* The manufactures and articles of commerce involved in the African trade, appear to be not easily calculable.

By estimates that have been already made, it appears that one fourth of the ships belonging to Liver-

pool are employed in the African trade; that it has five eighths of the African trade of Great-Britain, and three sevenths of the African trade of Europe.

**LIVERPOOL DOCKS.** The docks of Liverpool possess capacity, convenience, and symmetry; which, excepting the port of London, constructed upon a similar plan, is unrivalled throughout the world. These erections are at once stupendous to the stranger, and gratifying to the merchant, for whose convenience they were erected. It is not a little surprising, that, amidst all the fluctuations of the tide, such a vast number of ships should be so regularly and orderly disposed, surrounded by houses, in the very heart of the town, and there as securely placed as property in a store-house. The seaman here can not only step in and out of his ship with as much ease as he passes the threshold of his own door, but can pass from one ship to another with as much facility as he would visit his next door neighbour.

The advantages of a wet dock over every other species of harbour, are so very conspicuous, that the example of Liverpool has been followed by the merchants of the metropolis. In a wet dock, as the ships are always afloat, they can neither be affected by the tides, nor by the weather; they can load and unload at all times without any obstacle, or risk of injury to their cargo. The docks in this port are so compact and contiguous to every requisite for the equipment of ships, that no delay can possibly occur; and from their contiguity to the warehouses, and the extent of quay, which reaches three miles, the ships can be loaded and unloaded with the utmost dispatch, at a comparatively trifling expence, and under the merchant's immediate inspection.

These docks are called, King's Dock, Queen's Dock, Salt-House Dock, Old Dock, St. George's Dock, and the Graving Docks.

King's Dock is 290 yards long, and 90 wide; comprising an area of 26,100 square yards, and finished at the expence of 25,000l. This dock is frequented by ships from the Greenland fishery, and from America; and also by British ships, and those belonging to the northern states from the Baltic, laden with naval stores; to the reception of which the spacious contiguous yards and warehouses are well adapted.

Queen's Dock, the last constructed, is the largest

and best finished dock in the town, being 270 yards long, and 130 broad; comprising an area of 35,100 square yards, and finished at the expence of 35,000l.

Salt-House Dock, so called from the salt works which are near it, is of an irregular form; comprising an area of 21,928 square yards, and has a length of quay of 640 yards. The upper part of this dock is chiefly employed as a receptacle for ships that are laid up; and the space between it and the river is chiefly occupied as ship builders' yards; in which some of the finest ships of their rate in the British navy have been constructed.

Old Dock is 200 yards long; comprising an area of 16,832 square yards. The gates are 34 feet wide; and it has, in common with all the docks, a commodious draw-bridge.

This dock, from its contiguity to the warehouses of merchants concerned in the West India or African trade, is a receptacle for these branches of commerce. This dock is also frequented by Irish traders, and vessels from Portugal, Spain, and the Mediterranean.

St. George's Dock; this is chiefly designed as a communication between this and the other docks and the Graving Dock. It is 250 yards long, and 100 broad; comprising an area of 25,300 square yards, with a length of quay of 670 yards. This dock is very commodious, and is the principal resort of the West India shipping.

The Graving Docks. In these highly finished docks, vessels are as commodiously placed for repairing or altering as when first building on the stocks. The ship is floated by the tide at high-water, and left dry at low-water; the flood-gates are then shut, and the water after excluded, till the repairs are completed, when the flood-gates being opened at low-water, the dock is filled the next tide, and the ship is then floated out.

The above are the principal docks in this port; the whole of which, including two others now constructing, and independent of the duke of Bridgewater's dock, are now augmented to *thirteen*; viz. five wet docks, five graving docks, and three dry docks; occupying a space of three miles in circumference, and the whole constructed and formed upon the bed of the river.

St. George's, the Old and Salt-House Docks, communicate

municate with each other; so that ships can pass from one to the other, and thence into the graving docks, without going into the river, where their being unmanned or unrigged, might expose them to injury from the wind or tide. The King and Queen Docks also communicate in the same manner, and with their own graving docks. There is also complete communication under ground between all the docks by large tunnels, by means of which the docks may be easily cleaned. These docks are superintended by dock-masters; and have watch, lamps, scavengers, &c. distinct from the town.

Some idea of the progressive increase of the trade of Liverpool may be formed from the following statement of the dock dues, paid for the entrance of ships, regulated by their tonnage.

	£.	s.	d.
In 1724 - - - -	810	11	6
1776 - - - -	5,064	10	10
1786 - - - -	7,508	0	1
1796 - - - -	12,377	7	7
1797 - - - -	13,311	12	8
1800 - - - -	23,379	13	6½

*Tobacco Warehouse, Light House, &c.* Contiguous to the King's Dock is the tobacco warehouse, capable of containing seven thousand hogsheads, for the lodgment of all the tobacco imported. This was erected by the corporation for the purpose of storing all the tobacco imported here, until the duties are paid. The extent of quay opposite to this warehouse is the only place in the port where tobacco can be landed. By this regulation the tobacco is immediately rolled into the warehouse on landing, where it is examined, weighed, and secured; and thus effectually secured from smuggling or theft. This mode also is admirably adapted to the convenience of the manufacturer, who, when he wants a hogshead or more, has only to send the duty, and he is supplied. The utility of this plan has been so strongly felt, that it is to be extended by the legislature to other commercial towns.

Amongst other buildings worthy of observation are the custom-house, the exchange, the oil-house, the seamen's hospital, and the light-house; from the latter, upon detached poles, signals are made of the arrival of different ships, which are communicated

to a person stationed at the light-house, and by him repeated upon the various adjoining poles; so that the distant approach of any particular ship, may be frequently known several hours before she can be seen from the town.

*The progressive Increase of Dock Duties at Liverpool, from the Year 1752, ending the 24th June each Year.*

Year	No. Ships	£.	s.	d.	Year	No. Ships	£.	s.	d.
1752	—	1776	8	2	1776	2216	5064	10	01
1753	—	2034	16	2	1777	2361	4610	4	9
1754	—	2095	11	0	1778	2292	4649	7	7
1755	—	2417	13	11	1779	2374	4957	17	10
1756	—	2187	16	9	1780	2201	3528	7	0
1757	1371	2336	15	0	1781	2512	3915	4	11
1758	1453	2403	6	3	1782	2496	4249	6	3
1759	1281	2372	12	2	1783	2816	4840	8	3
1760	1245	2330	6	7	1784	3098	6597	11	1
1761	1319	2382	0	2	1785	3429	8411	5	3
1762	1307	2526	19	6	1786	3228	7508	0	1
1763	1752	3141	1	5	1787	3567	9199	18	8
1764	1625	2780	3	4	1788	3677	9206	13	10
1765	1930	3455	8	4	1789	3619	8901	10	10
1766	1908	3653	19	2	1790	4223	10037	6	2½
1767	1704	3015	9	2	1791	4045	11645	6	6
1768	1808	3566	14	9	1792	4483	13243	17	8½
1769	2054	4004	5	0	1793	4129	12480	5	5
1770	2073	4142	17	2	1794	4265	10678	7	0
1771	2087	4203	19	10	1795	3948	9368	16	4
1772	2259	4552	5	4	1796	4738	12377	7	7
1773	2214	4725	1	11	1797	4528	13319	12	8
1774	2258	4580	5	5	1798	4478	12057	18	3
1775	2291	5384	4	9					
Year. Ships. Tonnage. £. s. d.									
1799	4518	432470	14049	15	1				
1800	4746	450060	23379	13	6½				
1801	5060	489719	28365	8	2				
1802	4781	510691	28192	9	10				

**LIVERYMEN OF LONDON** are chosen out of the freemen as assistants to the masters and wardens of the several companies in matters of council, and for their better internal regulations. If any liveryman refuse to take upon him the office, the lord mayor and aldermen may fine him in a certain sum, and bring an action of debt for the same. 1 Mod. Rep. 10.

**LOG**, an instrument used at sea to determine the rate of the ship's sailing.

**LOG BOARD**, a table used at sea which is divided into five columns, in the first of which is entered the hour of the day; in the second, the course; in the third,

third, the number of knots run off the reel at the time of heaving the log; in the fourth, the wind; and in the fifth, observations on the weather, &c.

LOG BOOK, a book ruled in columns like the log-board, into which the account on the log board is transcribed, and from whence, after being properly corrected, it is entered in the journal. By several statutes, persons employed in the fisheries are bound to keep a regular log-book, as are also captains of privateers and letters of marque. See *Fisheries*, *Privateers*.

LONDON, the largest city in Europe, the metropolis of Britain, and the greatest commercial and manufacturing city in the world. It is situated on the river Thames, north lat. 51 deg. 31 min. and all charts and books of navigation published in the British dominions, reckon the longitude from the meridian of London, consequently its own is 0° 0' 0".

When the Romans first invaded Britain under Julius Cæsar, London was but a small place, and is called by Tacitus *Londinium* or *Londinum*. It was then the capital of the Trinobantes, a colony, according to Henry, vol. i. page 170, which had arrived from Belgium (the Netherlands), and founded a city called *Tri-nou*, or the new city, which appears to have been the first name of that great city. The Trinobantes were the first of the British states that submitted to the Roman conqueror; but though nothing of importance escaped the eagle eye, or the accurate information of Cæsar, who came within a few miles of the spot where it stood, he makes no mention of it in his Commentaries, from which it may with certainty be concluded, that it was then a place of very little importance.

There are a variety of opinions as to the exact situation of London at the time of the Roman conquest, some placing it on the south side of the Thames, because the three great Roman roads intersected each other nearly where the obelisk in St. George's Fields now stands; and because many Roman coins, bricks, and fragments of chequered pavement have been found there. But that opinion seems founded on slight grounds: it appears more probable that the Romans encamped there previous to the attack of London, and the passage of the Thames.

Leading to antiquarians to settle this point, it is

sufficient to state that London, according to the first authentic records, was situated between the creek which run along Fleet ditch and Wallbrook, the south side protected by the Thames, and the north by an extensive forest.

The Romans took possession of London on their second invasion in the reign of Claudius, 105 years after the first arrival of Cæsar, and it was then of considerable extent and importance.

In the reign of the emperor Nero, it was a considerable city, and carried on what was then deemed an extensive trade. Seven of the great roads of Antoninus centered in London, which proves that in his time it was reckoned to be the capital of the island.

In the year 64 of the Christian æra, London, which had then no walls, was taken and burnt by queen Boadicea, who put all the inhabitants to the sword; but it was soon rebuilt by the Romans, and in the time of Severus, it was considered as a great and wealthy city. About the middle of the second century, a wall of stone and brick was built for its defence, at which time it extended from Ludgate-hill, to a spot a little beyond where the tower now stands. Its breadth was inconsiderable, reaching only as far north as London-wall, and Bull and Mouth-street. There was a wall on the river side also, where Thames-street now is. The whole length of the wall was three miles, the height 22 feet; and there were 15 towers for defence, supposed to have been about 40 feet in height.

In the year 849, the Danes ascended the Thames with 250 ships, took and burnt London, massacring a great number of the inhabitants. They returned two years afterwards with a still larger fleet, intending entirely to destroy what their former fury had spared; but they were defeated with a great slaughter by king Athelwolfe and his son.

Alfred the Great rebuilt the walls and houses, but being of wood, it was again totally destroyed by an accidental fire in 893. This great king, however, soon had it rebuilt, divided it into wards and precincts, instituted a sheriff for its better government, and laid the foundation of that municipal order by which the city is governed at the present day.

In 1015, the Danes again attacked London under Canute, but though their force was considerable, and the greatest part of the kingdom had submitted, yet the



the Londoners stood firm, and repulsed the besiegers; though by a subsequent arrangement it was given up to the Danes, who levied on it a fine of 10,500*l.* being equal to one-eighth of what was paid at the same time by the whole kingdom.

In 1046, the Londoners first sent representatives to parliament, on settling the succession to the throne after Canute's death. The succession, at first contested between Canute's two sons, was finally adjudged to Harold Harefoot, by an assembly of *Wittenagemote*, held at Oxford by the *Thanes* of England and the *Pilots of London*. By pilots was implied the leading men or magistrates, who were then men of importance, as the Saxon records assure us that none were admitted into this assembly except the nobility and pilots of London.

On the Norman invasion, London submitted, as did the rest of England, to William the Conqueror; and in 1077 and 1086, it was twice nearly reduced to ashes by accidental fires.

On the death of Henry II. the title of chief magistrate was changed from that of portgreve to bailiff, who in 1189 claimed and acted as chief butler at the coronation of Richard I. The same year this head butler, Henry Fitzlwin, was called mayor, a title preserved by the first magistrates ever since. The first public act of the mayor was to order all houses to be built in future of stone, with party walls, and to be covered with slate or tiles, to prevent ravages by fire, by which London had suffered so much.

The citizens of London applied to king John, in the year 1215, for a power to choose their own mayor; which privilege he was pleased to grant, by an additional charter, whereby they were empowered annually to elect from among themselves their chief magistrate.

By the same charter they were obliged to present him to the king for his approbation, or in his absence to his justiciary; this custom still remaining, he is yearly presented to the lord chancellor; without which sanction the person so chosen cannot act.

Richard I. granted the Londoners a privilege of choosing annually from among themselves, two bailiffs or sheriffs, for their better government.

By the said charter of king John, anno 1199, the citizens of London were re-empowered to choose their

own sheriffs, by virtue of which grant of confirmation, and the pressing instances of the commonalty, 35 of the most prudent and substantial part of their body were chosen; but whether by the bailiffs and aldermen, or folk-mote, is not mentioned.

Besides the mayor, aldermen, and sheriffs, there are several other eminent officers belonging to the city.

There is a recorder of the city of London, a learned lawyer, skilful in the customs of the city; he is to be a chief assistant to the lord mayors, for their better direction in matters of justice and law. He takes place, in councils and in courts, before any man that hath not been mayor, and delivers the sentences of the whole court.

His office is always to sit on the right hand of the mayor, in recording pleas, and passing judgments; and by him records and processes had before the lord mayor and aldermen, ought to be recorded by word of mouth before the judges assigned there to correct errors. The mayor and aldermen have therefore used commonly to set forth all other businesses touching the city, before the king and his council, as also in certain of the king's courts, by Mr. Recorder.

The citizens of London having by divers royal grants obtained the privilege of choosing their own magistrates, they were elected by the court of aldermen, and a number of commons summoned by them out of each of the wards; but the numbers being occasionally varied, at the discretion of the aldermen, gave great uneasiness to the commonalty; for the removing of which, the method of election was altered, by an act of common council, anno 1476, whereby the present manner of electing by the liverymen of the several companies was established: by virtue whereof the lord mayor, or chief magistrate of the city, is annually chosen on Michaelmas day; for which purpose, the liverymen assemble in Guildhall on the said day; where, by holding up of hands, they choose two of the senior aldermen below the chair, who being returned to the court of lord mayor and aldermen, the senior alderman is commonly declared lord mayor elect.

The officers belonging to the lord mayor, for the support of his dignity, are the sword bearer, who for the expence of his table has a very considerable annual allowance; the common hunt, common crier, and

and water bailiff, who have all great salaries, or perquisites, with each the title of esquire; together with the three serjeant curvers, three serjeants of the chamber, a serjeant of the channel, two yeomen of the chamber, four yeomen of the water-side, a yeoman of the channel, an under water bailiff, four young men waiters, three meal weighers, two yeomen of the wood-wharf, and the foreign taker.

The aldermen are the second constituent part of the city legislature, and all of them who have passed the chair, and three under it, are by charter perpetual justices of the peace within the city; and by the same power, they are by virtue of their office exempt from serving on inquests, juries, &c. as they are likewise without the city.

In the 17th of Richard II. anno 1394, it was by parliament enacted, that the aldermen of the city of London should not from thenceforth be elected annually, but continue in their several offices during life or good behaviour.

The aldermen of London having anciently become so by purchase, occasioned great jealousies and heart-burnings among the commonalty; for the allaying of which, and preventing the like for the future, it was, in the year 1402, by the common council enacted, that they should be elective; the manner of which election has several times varied: but in the year 1714, by the common council of the city it was enacted, that from thenceforth, in all elections of aldermen, there shall be chosen only one citizen by the inhabitants of every ward destitute of an alderman, and the person so elected to be returned by the lord mayor (or other returning officer, duly qualified to hold a court of wardmote) to the court of lord mayor and aldermen, by whom the person so returned is to be admitted, and sworn into the office of alderman.

The situation of London for trade is the best in the island, the river Thames being navigable for ships of the greatest burthen used either in commerce or in war. The extension of London was in former times a cause of much jealousy and uneasiness to the sovereigns of England; numbers of laws were made to keep it within its ancient bounds; and we even find a very unjust and extraordinary proclamation of the wise queen Elizabeth on that subject, that but ill

tallies with her general character for prudence, justice, and foresight.

In this proclamation her majesty declares, that foreseeing the great and manifold inconveniences and mischiefs which daily grow, and are likely more and more to increase unto the state of the city of London, and the suburbs and confines thereof, by access and confluence of people to inhabit them, not only by reason that such multitudes could hardly be governed by ordinary justice to serve God and obey her majesty, without constituting an addition of more officers, and enlarging of authorities and jurisdictions for that purpose, but also could hardly be provided with sustentation of victual, food, and other like necessities for man's relief upon reasonable prices; and finally, for the said such multitudes of people inhabiting in small rooms, whereof many be very poor, and such as must live by begging or worse means, and being heaped up together, and in a sort smothered, with many families of children and servants in one house or small tenement, it must need follow, that if any plague or other universal sickness come amongst them, it would presently spread through the whole city and confines, and also into all parts of the realm.

For remedy whereof, she commands all persons to desist and forbear from any new buildings of any house or tenement within three miles of any of the gates of London, and only one family to inhabit one house. And having in the twenty-second year of her reign published certain useful orders and decrees for enforcing her then proclamation, further corroborated by act of parliament in the 35th year of her reign, (see the years 1580 and 1593), yet the mischief daily increasing through the negligence of magistrates, &c. she now further commands the lord mayor of London faithfully to execute the following articles, &c. Articles 1 and 2 are the same with those in the statute of the 35th of this queen, already exhibited under the year 1593.

3. Such tenements as have been divided within these ten years in the foresaid limits, the inmates to be avoided presently, if they have no estate for life, lives, or years yet enduring, and for such as have no estate or term, then as the same shall end the tenement to be reduced to the former state.

4. All sheds and shops to be pulled down that have been erected within these seven years past.

5. Empty houses erected within seven years past shall not be let to any, unless the owner shall be content that they be disposed of for some of the poor of the parish that are destitute of houses, at such rents as they shall allow.

6. Buildings on new foundations, which are not yet finished, shall be pulled down:—with many other regulations not material enough for us to transcribe.

The Londoners themselves frequently complained of the number of strangers who settled round the city in different quarters, owing to their not being freemen, and allowed to carry on business within its walls; yet for all these complaints London continued still to increase, and at present contains above 800,000 inhabitants, and pays about eight millions sterling annually in taxes, which is four times as much as the whole revenue of the country at the time of the revolution, and is nearly equal to the whole expenditure of the state in 1775.

London is a county of itself; it is divided into twenty-six wards, over each of which an alderman presides.

There are three modes of becoming a freeman of London, viz by apprenticeship; by birth, as being the son of a freeman; and by purchase, under an order of the court of aldermen.

In London, every day except Sunday is a market overt for the buying and selling of goods and merchandize, 5 Rep. 85. But no person, not being a freeman of London, shall keep any shop or other place to put to sale, by retail, any goods or wares, or use any handicraft trade within the city, under penalty of 5l. 8 Rep. 124. *Chart. Cur. l.*

Persons making unserviceable goods in London, the chief officers of the company to which such persons belong may seize and carry them to Guildhall, and have the goods tried by a jury, and if found defective, they may break them.

By charter Henry I. all the men of London, and all their goods, shall be free from scot and lot, danegelt, and murder, and from all toll, passage, and lastage, and all other customs, through all England and the ports of the sea.

But the person claiming these privileges must not only be a freeman but an inhabitant of London.

The customs of London are various; and in case of dispute, they are to be tried, except in particular instances, by the certificate of the lord mayor and aldermen, certified by the mouth of the recorder.

Where a woman exercises a trade in London, wherein her husband doth not intermeddle, by the custom she shall have all the advantages, and be sued as a *fenie sole* merchant.

The customs of London relate to divers particulars with respect to trade, apprentices, widows, orphans, &c. The custom relative to the distribution of a freeman's estate extends only to cases of intestacy, or express agreements made in consideration of marriage.

Besides the great sums contributed towards the state, the poor's rate and taxes for lighting and paving, and other expences, amount to an enormous sum; so that taking persons of all ages, the average of taxes paid would amount to a sum not under 12l. a head. To compare this with other places, London must be considered as unique in the whole world. The only place that in any way has resembled it in this respect is the province of Holland and city of Amsterdam. If the taxes of all sorts paid by the inhabitants of Britain and Ireland were equally divided, they would not amount to more than one-fifth of what the inhabitants of the metropolis pay. But besides that the value of money is lower in London than in any other part of the kingdom, and with it, taken on an average not less than one-third, there are some circumstances that greatly favour the metropolis, which has an influx of wealth, from the following sources, peculiar to itself.

The interest of the national debt is nearly all expended in London: money brought by nobility and gentry who come to reside during the winter, including numbers of both houses of parliament: money brought by the courts of justice: the expences of the court and of those who follow it: expences of clergymen, who reside most in London: money expended by foreigners and strangers from all parts: East Indians and West India planters who expend their money in London:—making in all not less than from 30 to 35 millions annually, which is independent of the money

ney that comes from other quarters by the ordinary resources of trade and manufactures. The immense aggregate sum that arises from the whole of these sources enables London to pay the prodigious load of taxes already stated, and gives rise to that prodigious extension which astonishes every one. The greatest of all the sources of revenue is the national debt, the sum of not less than 12 or 14 millions being annually received by persons in or about London, which would maintain 25,000 families at 50*l.* a year each, which is a sum more than sufficient to support any second-rate city in Europe; and if we consider the number of persons whom 25,000 families so living would maintain, except Paris and Constantinople, there is not any city in Europe contains so many persons as would be maintained from this source alone.

The great increase of London since the national debt augmented so rapidly, had there been no other cause, would not be unaccounted for; and if we consider that above six millions on the annual income has taken place within the last ten years, we need not be surprised if London should, for ten years to come, increase faster than it ever has yet done.

The port of London is not so commodious as the greatness of its trade requires; but wet docks are now constructing on a scale of magnitude and grandeur that will very soon take away that reproach. The trade increased by degrees, and the quays had been covered with warehouses with that irregularity which never fails to take place when accommodations are prepared by private traders, each studying his own situation, wants, and circumstances.

The moment, however, seems to be now arrived when whatever is inconvenient and disagreeable in London, either as the seat of commerce or the abode of opulent people, will be done away, by the application of a small portion of that wealth which has been accumulated, to the improvement of the conveniency and beauty of the town. What has been done formerly by private exertion and without any general plan, will be henceforth done upon a regular plan, and with a view to general improvement.

The state of shipping in 1540 of London was but very low, when compared with the present times, if we may give credit to Wheeler's Treatise of Commerce, in 4*to*, 1601, who expressly asserts, that about

sixty years before he wrote, that is in 1540, there were not above four ships, besides those of the royal navy, that were above one hundred and twenty tons each within the river Thames.

Such was the state of the port of London 250 years ago, by way of contrast with which it may not be useless to state the state of shipping in 1802.

Total ships entered inwards in 1802 at the port of London only:

British vessels	-	-	3385
Foreign	-	-	1549
			<hr/>
			4934

Tonnage (total) 866,790.

LONDON DOCKS. By 39 and 42 Geo. III. c. 47, entitled An act for the greater accommodation and security of shipping, commerce, and revenue, within the port of London, a company is established under the denomination of the London Dock Company, of which the following is a copious abstract:

By 39 G. III. c. 69, the directors, or any five or more of them, are required, from time to time, as there shall be occasion, to nominate and appoint a dock master or dock masters, he or they first producing, after being duly examined by the Trinity House, a certificate of the proper qualification of such person or persons to execute the office of dock master; and the said directors may also remove, suspend, or dismiss any such dock master: the dock master appointed as above, shall have full power and authority (but subject to the regulations and restrictions hereinafter expressed), to direct the mooring, unmooring, moving, or removing of all ships and other vessels, lighters, and craft, coming into or being in the said docks, and the basons and cuts thereof, and coming into, lying, or being in such parts of the river Thames at Limehouse Hole and Blackwall, as shall be within the distance of 200 yards from any entrance out of the said river there into the works of the said company, as to the time or times and manner of their entrance into, lying in, or going out of or from the same docks, basons, and cuts and parts of the said river, and their position, loading, and discharging therein respectively, and the time or times of opening or shutting the several gates of the said works; and in case the owner, master, pilot, servant, or other per-



son having the charge or command of any ship or other vessel, shall refuse or neglect to moor, unmoor, move, or remove the same according to such direction, immediately after notice given in writing, or left with some person on board the said ship or vessel for that purpose, that then it shall be lawful for the said dock master, or his assistants, to moor, unmoor, move, or remove such vessel, and the charges and expenses thereof respectively shall be repaid, together with a sum not exceeding 10*l.* nor less than 5*l.* for each offence, by the master or owner or other person having the charge or command of such ship or vessel, and may be recovered by the treasurer for the time being of the said company from the owner of such ship or vessel, in case of non-payment thereof on demand, by such ways and means as penalties and forfeitures are by this act to be recovered; the said penalty, when recovered, shall be paid over to the uses hereinafter mentioned; and in case any master, commander, mate, pilot, or other person or persons taking the command of any ship or other vessel, or the owner, agent, consignee, or any other person or persons whomsoever, shall obstruct or hinder the mooring, unmooring, moving, or removing of any ship or other vessel in the said docks, or in the basons and cuts which shall belong thereto, or in any such parts of the river Thames, at Limehouse Hole and Blackwall aforesaid, as shall be within the distance of 200 yards from any entrance out of the said river there into the works of the said company, such person or persons shall, for every such offence, forfeit a sum not exceeding 5*l.* nor less than 40*s.* to be recovered and applied as hereinafter is directed: provided always, that such dock master or dock masters shall not moor, or cause to be moored, or stationed, any ship or vessel in such place or in such manner as shall obstruct or render inconvenient the entrances into or out of the canal hereby authorized to be made.

Provided always, that it shall be lawful for the said directors, or any five or more of them, to confirm, alter, or annul and make void, any acts, orders or directions, made by any person in respect of the stationing, placing, anchoring, mooring, or removing of any ship or vessel whatsoever, under the authority of this act, within the said docks, or any of the basons, cuts, or other works which shall be thereunto

belonging, or within any such part of the river Thames, at Limehouse Hole or Blackwall, as shall be within the said distance of two hundred yards from any entrance out of the said river there into the works of the said company, and that whether such acts, orders or directions, shall have been complained of or not; and to give such further or other orders or directions therein as the said directors shall think proper; which said orders or directions, so to be given, shall be final and conclusive, and shall be performed and executed by all parties concerned therein, without any further or other appeal. S. 81.

The orders and directions given by the said directors, or by any person or persons duly appointed to execute the office of harbour master, or dock master, to the master or other person having the charge or command of any ship or vessel within the said port, canal, docks, basons, or other works, shall not lessen or diminish any responsibility which the said master, or other person or persons, shall be liable to in respect of such ship or vessel, or the cargo thereof. S. 82.

By statute 42 G. III. c. 113, when any of the docks, &c. shall be approved of by the lords commissioners of the treasury, as being ready for the reception of ships and goods, they are to certify such approbation, which is to be published in the Gazette, and two other London newspapers, which is to be deemed sufficient notice to all parties interested; and from and after such notice, the duties made payable to the company are to commence, and the quays mentioned in such certificate are to be legal quays; and the clauses in the act for compelling West India vessels to unload in the docks, and for causing the king's duties on their cargoes to be ascertained at such quays, and for compelling such vessels to take in their cargoes in some or one of the said docks, or below the entrance into the canal at Blackwall, shall take effect and be in force; and the term of twenty-one years, during which the same clauses are to be in force, is to be computed from the end of ten days next after the publication of such certificate. S. 3, 6.

The gates and doors of such of the said dock premises as shall be inclosed with a wall as aforesaid, and the hatches of vessels which shall be within the same, with goods on board, are to be under the joint locks of the dock company and of the revenue officers, and

to be locked and opened only in the joint presence of one or more of the company's officers, and of one or more of the revenue officers; and every such officer refusing or neglecting to attend at the locking up and opening of the said gates, doors, or hatches respectively, as herein directed, shall, for every such offence (upon being convicted thereof) forfeit and pay any sum, not exceeding 50 pounds nor less than 20 pounds. S. 7.

From the 10th of November to the 9th day of May, both inclusive, in every year, the gates of such of the said docks, quays, and wharfs, as shall be so inclosed with a wall, according to the directions of this act, shall be opened for business at the hour of eight in the morning, and continue open until the hour of five in the afternoon, and shall be shut at the said hour of five in the afternoon, and continue so shut until the hour of eight in the morning; and from the 10th day of May to the 9th day of November, both inclusive, in every year, the said gates shall be opened for business at the hour of six in the morning, and so continue until the hour of six in the afternoon; and shall be shut at the said hour of six in the afternoon, and continue so shut until the hour of six in the morning. S. 8.

The officers of his majesty's revenue appointed to act and acting within and upon the said docks, quays, and other works of the said company, shall from the 10th day of November to the 9th day of May, both inclusive, in every year, attend and transact business from the hour of nine in every morning to the hour of four in every afternoon; and from the 10th day of May to the 9th day of November, both inclusive, in every year, from the hour of eight in the morning to the hour of four in every afternoon; and that during the said hours and times so appointed, there shall be no intermission or cessation of business, on any account or pretence whatsoever. S. 9.

No holidays to be kept at the said docks and other works, except Sundays, Christmas Days, and Good Fridays. S. 10.

No persons to remain within such of the docks and dock premises as are to be so as aforesaid inclosed with a wall and ditch, while the same are to be kept shut and locked up as aforesaid, unless the directors shall think fit to place a watch therein.

The directors are empowered to permit fires, candles,

or lamps to be used within the docks and other works, as and when they shall specially direct, notwithstanding the said precedingly recited act. S. 12.

The master or commander of every West India vessel arriving in the river Thames, is to lock down all her hatches on or before her arrival at Gravesend, and there to remain with the vessel and keep her hatches so locked down until she be moored in one of the said docks, and until the captain shall have delivered the keys to the proper officer of the company; and in case any master or commander of any such ship or vessel shall refuse or neglect to provide such locks and other fastenings, or to lock and fasten down the hatches of such ship or vessel as aforesaid, or to keep the same so locked and fastened down, or shall leave such ship or vessel after her arrival at Gravesend, and before she shall be safely moored, and the said keys so delivered as last aforesaid, or shall refuse or neglect to deliver the said keys to such officer or servant as before-mentioned, within two hours next after such mooring, every such master, commander, or other person so offending, shall, for every such offence, (upon being convicted thereof,) forfeit and pay any sum not exceeding 50 pounds nor less than 20 pounds. S. 13.

Every master or commander of any ship or vessel which shall arrive in the river Thames from any part of the West Indies, shall in every case make his report of such ship or vessel, and of her cargo, at the custom-house in London, within 24 hours next after her arrival within any one of the said docks, and shall also, within 48 hours after such ship or vessel and cargo shall be so reported, deliver or cause to be delivered two true copies of the manifest of the cargo of such ship or vessel, at the principal office or house in the city of London used for the time being for the management of the affairs of the said company, to such officer or servant of the said company as shall be appointed for the receipt thereof; and every such master or commander refusing or neglecting to make such report, or to deliver two true copies of such manifest within the respective times, and in manner before directed, shall for every such offence (upon being convicted thereof) forfeit and pay any sum not exceeding 50 pounds nor less than 20 pounds. S. 14.

On neglect to enter West India goods brought into  
the

the dock premises for seven days after the vessel importing the same shall have been reported, then the company may enter the same on the next ensuing day, &c. and retain the goods as a security for their charges, with legal interest. S. 15.

On neglect to enter any such goods for eight days after the vessel shall have been reported, the officers of the customs may seize the goods and land the same; and if the duties and charges shall not be paid or secured within one calendar month, the same may be sold, and the produce applied as directed by the act of 12 Anne, stat. 2. cap. 8. S. 16.

No West India vessel to be permitted to break bulk until the whole of her cargo be duly entered, or the unentered part of the cargo seized, and the vessel be laid alongside of one of the said quays to be discharged.

The West India vessels to be discharged in rotation, according to the times when their entries at the custom-house shall respectively be fully completed. S. 17.

The commander, or in case of disability, &c. the chief or senior officer, to be on board during all the time of unloading every vessel. S. 18.

Such West India goods as shall be brought into any of the docks, and shall be chargeable with duties according to weight or measure, are to be weighed or gauged immediately after being landed, and before being sampled; and upon being weighed or gauged, examined, and sampled, are to be deposited in the said company's warehouses. S. 19.

The directors are empowered during the aforesaid term of 21 years, to cause to be emptied, in the presence of the landing waiter, any number of casks they may think proper of the different sizes in each cargo of West India produce brought into any of the docks, not exceeding two casks of each size and description; one to be selected by the company's officer, and the other by the landing waiter; and then and in every such case the respective average weight of the two casks so to be selected, shall be taken as the standard by which the tares of the rest of the casks of the same size and description respectively in such cargo shall be computed and ascertained. S. 20.

By 39 G. III. c. 69. s. 137, six shillings and eight pence per ton, to be paid to the West India Dock Company for ships using the docks.

*Rates appointed to be paid to the West India Dock Company for goods imported from the West Indies, and landed or discharged from the docks.*

	s.	d.
For Aloes, per cwt.	-	4 8
Balsam, natural, per cwt.	-	4 8
Cassia, per cwt.	-	4 8
Cortex Winteranus, per cwt.	-	4 8
Cocon, per cwt.	-	1 0
Coffee, per cwt.	-	1 6
Cotton wool, per cwt.	-	2 6
Dyers woods, per cwt.	-	0 6
Ginger, per cwt.	-	3 3
Gum guaiacum, per cwt.	-	4 8
Hides, per dozen	-	0 6
Indigo, per cwt.	-	2 6
Marmalade, per jar	-	2 6
Oil, castor, per jar	-	2 6
Pimento, per cwt.	-	3 2
Rum, per gallon	-	0 1
Sarsaparilla, per cwt.	-	6 0
Sugar, per cwt.	-	0 8
Succads (in boxes), per cwt.	-	5 0
Tamarinds, or succads (in jars), per jar,	-	2 6
Tortoise shell, per cwt.	-	5 0
Turmeric, per cwt.	-	4 8
And for wine, including Madcira, per gallon	0	1

For every cask, case, bundle, bale, or other package, containing any article of merchandize not otherwise specified or described in this table, being of the weight of two hundred, or upwards, five shillings.

For every such cask, case, bundle, bale, or other package, being under the weight of two hundred, two shillings and sixpence.

For any article of merchandize brought loose (except wood) not otherwise specified or described in this table, and subject to any duty of customs chargeable according to the weight, for every hundred, one shilling.

For any article of merchandize brought loose, not hereinbefore specified or described, whether subject to any duty of customs or not, and which shall be landed within the dock premises, there shall be collected and paid a rate or duty not exceeding

ceeding the rate or charge heretofore usually paid in the port of London, for lighterage, landing, loading, and housing of any such article.

The rates or duties shall be levied and collected as hereinafter is expressed, and shall be accepted and taken for and in respect of the use and convenience of the said docks, and the quays, wharfs, and cranes, and other machines which shall belong thereto, and all charges and expences of wharfage, landing, housing, and weighing such goods, and of such cooperage as the same may respectively want after being unshipped, and all rent for warehouse room for such goods, for the space of 12 weeks in the said company's warehouses, and all charges of delivering the same from the said warehouses; and which said rate or duty of six shillings and eight pence per ton, and the said several other rates or duties last hereinbefore granted, shall be and are hereby vested in the said West India Dock Company, for the purposes hereinafter-mentioned; and the said rate or duty of six shillings and eight pence per ton shall be paid at the time of each ship's or other vessel's entry inwards or clearance outwards, at the custom-house in the port of London, to the officer or person appointed to collect and receive the same, under such rules, regulations, and restrictions as are by this act directed and required with regard to the entering inwards and clearing outwards of ships or other vessels on which other rates and duties are by this act imposed; or for want of such entry, then at any time before such ships or vessels respectively shall sail or proceed from the said docks or basins; so as no ship or other vessel shall be subject or liable to the payment of the said rate or duty of six shillings and eight pence per ton more than once for every voyage, both out and home inclusive: and the rates or duties hereby granted in respect of such of the said goods, wares, and merchandize to be imported from the West Indies as shall be subject to the payment of any duty to the king shall be paid when the post entry of such goods, wares, or merchandize shall be made at the custom-house, to the officer or person appointed to collect and receive the same; and the rates or duties hereby granted in respect of such of the said goods, wares, and merchandize as shall not be subject to the payment of any duty to the king's majesty, his heirs, or

successors, shall be payable and paid before such goods, wares, or merchandize respectively shall be taken from the said dock premises: *provided always*, that when any ship or other vessel arriving in the said docks shall not be fully laden, the said rate of six shillings and eight pence per ton shall only be collected and paid for and in proportion to the actual tonnage of the cargo imported in such vessel, and not upon the register tonnage thereof; and that with respect to such ships or vessels as shall arrive in any of the said docks, from any other part or parts of the world than the West Indies, with goods, wares, or merchandize on board, of the growth or produce of the West Indies, the said rate or duty of six shillings and eight pence per ton shall be payable only *for and in proportion* to the quantity of goods, wares, or merchandize, of the growth or produce of the West Indies, on board of the same ships respectively, that is to say, six shillings and eight pence for every ton of the same goods, wares, or merchandize, and not otherwise.

All goods, wares, and merchandize, imported in ships from the West Indies, which shall be landed on the said quays, shall be surveyed and examined by some competent person or persons to be appointed by the said directors for that purpose, who shall inquire into and ascertain the causes and extent of any injury or damage which shall have happened to the same, either by sea damage, improper stowage, or otherwise, and shall compute and value such damage, and deliver his or their report in writing thereon to the directors of the said company as soon as may be; and the same, or some other person or persons to be appointed in manner last aforesaid, shall collect and take samples for sale of all goods, wares, and merchandize which shall be landed on the said quays before the same shall be removed therefrom (the quantity of which samples, in the case of sugar, shall never exceed one pound and a half avoirdupoise weight from each cask); and in consideration of the great additional expence and trouble which will be occasioned by such survey and examination, and ascertaining the causes and extent of any injury or damage, and the amount or value thereof, and also by taking such samples of the said goods, wares, and merchandize, and delivering the whole of the said sample to the order of the



the importers thereof, which he and they is and are hereby required to do, there shall be payable and paid to the said West India Dock Company, or their collectors, receivers, or agents, for their use, for all such goods, wares, and merchandize, imported in ships from the West Indies, as shall be landed, unshipped, or discharged from on board of any ship or vessel within any of the said docks, and shall be so surveyed and examined, and samples taken thereof as aforesaid (over and above the rates and duties by the said recited act granted), the following additional rates.

For all such goods, wares, and merchandize (except sugar), as by the said recited act are or shall be chargeable with the payment of any rate or duty to the said company, according to the weight thereof, there shall be payable and paid the additional rate or duty of two-pence per hundred weight, and for sugar the additional rate or duty of one penny per hundred weight:

And for all such goods, wares, and merchandize, as by the same act are or shall be chargeable with the payment of any rate or duty to the said company, according to the measure thereof, there shall be payable and paid the additional rate or duty of one shilling per cask.

Which additional rates or duties shall be paid by the proprietor or proprietors, consignee or consignees of such goods, wares, and merchandize respectively, and shall be levied and collected in such manner as in and by the said recited act and this act is directed with respect to the rates and duties made payable to the said company.

The rates or duties granted to the said company in respect of goods, wares, and merchandize being West India produce, which shall be imported into the port of London, shall in every case be paid *within one calendar month* next after the cargo of the respective ship or vessel importing the same shall have been completely discharged or unloaded; or in case such goods, wares, or merchandize shall be removed from the quays or warehouses of the said company before the expiration of one calendar month, then the said rates and duties payable in respect of the same, the directors are empowered to sell goods for recovery of the rates payable to the company. S. 23.

No fees to be taken by the company's officers or by the revenue officers, for any act done within the dock premises. S. 24.

But not to extend to deprive the revenue officers of their lawful fees on goods exported. S. 25.

There shall be payable to the West India Dock Company, or to their collectors, receivers, or agents, for every ship or vessel which shall enter into and use any of the docks to be set apart for empty or light vessels, and which shall not be so as aforesaid entitled to enter and remain therein without any additional charge on that account, the duty of 2s. for every ton of the tonnage burden of such ship or vessel; which duty shall be paid by the master, or other person having the charge or command of such ship or vessel, or by the owner or owners thereof, and shall be ascertained, levied, and collected in the same manner, in all respects, as prescribed concerning the duty of 6s. 8d. and shall be accepted in satisfaction of the use and convenience of the said dock, for any space of time not exceeding six calendar months; and for all charges of the navigating, mooring, unmooring, removing, and management of such ship or vessel, from her arrival at the entrance into such dock until she shall depart therefrom: *provided nevertheless*, that this act shall not extend to charge with the last-mentioned rate or duty, any lighters or craft entering into any such of the said docks as shall be set apart for light vessels, to convey, deliver, discharge, or receive ballast or goods to or from on board of any vessel or vessels.

*Table of Rates or Duties, payable to the West India Dock Company, by virtue of the said Acts.*

*On Shipping.*

For every ship unloaded in the	s.	d.
docks - - - -	6	8 per ton.
For every ship loading in the docks		
(not having unloaded therein upon		
her last arrival at the port) - -	2	0 per ton.

## Goods and Merchandize.

For		39 G. III.			42 G. III.			T. III. I.			
		s.	d.		s.	d.		s.	d.		
Aloes	-	4	8	0	2	4	10				per cwt.
Balsam, Natural	-	4	8	0	2	4	10				
Cassia	-	4	8	0	2	4	10				
Cortex Winteranus	-	4	8	0	2	4	10				
Cocoa	-	1	6	0	2	1	8				
Coffee	-	1	6	0	2	1	8				
Cotton wool	-	2	6	0	2	2	8				
Dyers wood	-	0	6	0	2	0	8				
Ginger	-	3	3	0	2	3	5				
Gum guaiacum	-	4	8	0	2	4	10				
Indigo	-	2	6	0	2	2	8				per doz.
Pimento	-	3	2	0	2	3	4				
Sarsaparilla	-	6	0	0	2	0	2				
Sugar	-	0	8	0	1	0	9				
Succeds in boxes	-	5	0	0	2	5	2				
Tortoise shell	-	5	0	0	2	5	2				
Turmeric	-	4	8	0	2	4	10				
Hides	-	0	6	-	..	0	6				
Marmalade	-	2	6								} 2 6 per jar
Oil, castor	-	2	6								
Tamarinds or succeds, in jars	-	2	6								} 0 1 per gall. and 1 0 per cask
Rum	-	0	1	1	0	0	1				
Wine, including Madeira	-	0	1	1	0	1	0				
	-	per gall.	per cask		per gall.	per cask					

For every cask, case, bundle, bale, or other package, containing any article of merchandize not otherwise specified or described in this table, being of the weight of 200lbs. or upwards, 5s.

For every such cask, case, bundle, bale, or other package, being under the weight of 200lbs. 2s. 6d.

For any article of merchandize brought loose (except wood) not otherwise specified or described in this table, and subject to any duty of customs chargeable according to the weight, for every 100lbs. 1s.

For any article of merchandize brought loose, not hereinbefore specified or described, whether subject to any duty of customs or not, and which shall be landed within the dock premises, there shall be collected and paid a rate or duty not exceeding the rate or charge heretofore usually paid in the port of London, for lighterage, landing, loading, and housing of any such article.

LONGITUDE, in navigation, is the distance of a ship or place east or west of the meridian. By various statutes, considerable rewards are to be granted to persons discovering or facilitating the discovery of the longitude; and a society is established, under the denomination of Commissioners of Longitude, for the examination of claims, and the distribution of rewards.

LOTTERY. By stat. 42 G. III. c. 54. s. 30 and 54, lottery-office keepers are to pay 50l. for every licence in London, Edinburgh, and Dublin, or within 20 miles of either, and 10l. for every licence for every other office; and licensed persons shall deposit 30 tickets with the receiver-general of the stamp duties, or licence to be void.

By stat. 22 G. III. c. 47, lottery-office keepers must take out a licence; and offices are to be open only from eight in the morning to eight in the evening, except the Saturday evening preceding the drawing. The sale of chances and shares of tickets, by persons not being proprietors thereof, are prohibited, under penalty of 50l.; and by stat. 42 G. III. c. 119, all games or lotteries called *Little-games*, are declared public nuisances, and all persons keeping any office or place for any game or lottery, not authorized by law, shall forfeit 500l. and be deemed rogues and vagabonds. The proprietor of a whole ticket may nevertheless insure it for its value only with any licensed office for the whole time of drawing (from the time of insurance) under a *bona fide* agreement without a stamp.

LUBEC, an imperial city, now at the head of the once great and famous league of the Hans Towns. It is situated in the circle of Lower Saxony, on the river Trave, about ten leagues before it falls into the Baltic Sea. French salt, wine, brandy, vinegar, cloth, silks, India spices, and other goods, hardwares, &c. find good sale here. The exports consist of hemp, flax, hides, iron wrought and unwrought, timber, grain, and wool. Ships loaded can only mount the river to Travemunde, a small village, three leagues below Lubec. When lightened, they may then be towed up the river. See *Hanatic League*.

LUSTRINGS. By 9 and 10 W. III. c. 43, no foreign silks, known by the name of lustrings or alamoses, may be imported, except at the port of London. See *Importation*.

**LYGAN**, *laganis*, heavy goods, thrown overboard in times of imminent danger, with a buoy or cock fastened to them. While they continue on the sea they belong to the lord high admiral; but, if they are cast away upon the land, they are then a wreck, and belong to the lord of the manor. 5 Co. R. 106.

**LYONS**, the chief town of the department of the Rhone, in France, famous for its silk, velvet, velvet satin, and cotton manufactories, manufactories of stained paper, printing, &c. Lyons is a considerable depot for French and foreign wool, with which it supplies the manufactories of France. The cloths of Lyons are in much request in Spain, Italy, and in the French American islands. Although little silk is collected in Lyons, this place is nevertheless distinguished for its traffic in this valuable article.

Silk stockings are also a productive article of manufacture in this country, which carries on a lucrative trade with Italy and Spain; and previous to the war it carried on a considerable commerce with London, Exeter, and Plymouth; with London for cloths, Exeter for serges, and with Plymouth for lead.

Lyons exported to England principally lustrings, taffetas, silk stuffs, and gold and silver brocade.

The exports from Lyons to England amounted to three millions of francs per annum, its imports from England only to seven or eight millions of francs, a very considerable balance in favour of Lyons; but this trade has been entirely destroyed by the late war.

## M.

### M A D

**M**ADEIRA, an island in the Atlantic Ocean, on the west coast of Africa, and south from the Canaries. It is situated between 30 and 31 deg. north latitude, and 1 deg. west longitude.

It is about eight leagues in length, and three in breadth, and contains about 64,000 inhabitants.

Wine is the chief produce, but there are many delicious fruits of all sorts, which they preserve and export. It produces about 30,000 pipes of wine in the season, of which England alone takes 17,000; and of 409 ships which touched there last year, 228 were English. The British merchants settled in this island consist of 20 commercial houses, and have considerably more of its trade than the Portuguese. Madeira is well watered, and Funchal is the capital.

**MADRID**, the capital of Spain, a city of no commerce, except such as the residence of the court and nobility of so great a kingdom naturally brings; but a traveller going through the world in whatever direction he chooses, will neither meet with commercial travellers from Madrid, nor with any of its manufactures, unless, perhaps, some of the latter brought from thence for the use of the proprietor.

### M A L

**MAGNA CHARTA.** See *Charta*, *Magna*.

**MAINTENANCE** is the unlawful taking in hand, or upholding of a cause or person: this offence bears a near resemblance to barratry; being a person's intermeddling in the suit of another, by maintaining or assisting him with money, or otherwise, to prosecute or defend it.

A man may maintain the suit of his near kinsman, servant, or poor neighbour, out of charity or compassion, without being guilty of maintenance.

By the common law, persons guilty of maintenance may be prosecuted by indictment, and be fined and imprisoned, or be compelled to make satisfaction by action, &c.; and a court of record may commit a man for an act of maintenance done in the face of the court. 1 Inst. 362.

**MALABAR**, the west coast of the peninsula of India, on this side of the Ganges, from the north extremity of the kingdom of Canara to Cape Comorin. The Mysore country lies on the north-east, so that the part called Malabar is only a narrow land along the coast. It was to this part of India that the ancients first are supposed to have traded, by coasting from the

the mouths of the Persian and Arabian gulphs, until the trade-wind that blows directly from the mouth of the Red Sea to Cape Comorin was discovered, when merely by keeping directly in that tract, navigators gained the peninsula without the assistance of the mariners compass, which was not then discovered; and probably this was the only voyage that was ever made repeatedly through the open ocean previous to that discovery.

MALT. See *Excise*.

MALTA. Malta, placed between Europe, Asia, and Africa, by its military strength, by its commercial position, by the excellence of its harbours, it would seem by the desire to render its possessors the masters of the Mediterranean.

This island was ceded by Charles the Fifth to the knights of Rhodes, and at that time was a rock, covered only in certain places thinly with vegetable earth. It has improved much under its new sovereigns.

A neck of land, stretching out into the sea, serves as a separation to two harbours, one of which is esteemed to be the most beautiful in that sea; it is upon this peninsula that the La Valette was constructed and fortified for the protection at once of these harbours, which in a manner lave its walls.

The present situation of Malta is highly interesting. The French consider it as the key to Egypt, and Egypt as the road to India. By the last treaty of peace, it was to be placed under the dominion of Naples, and guaranteed by Russia, and intended to be open to all nations alike; but no step has effectually been taken towards the execution of this plan, so that it remains in possession of England.

The island produces cotton, wax, and honey of superior quality, and the cotton is manufactured there into women's gloves and stockings of the finest texture.

The fort La Valette is considered as impregnable; the French took it either by surprise or treachery, and the English retook it by blockade. The act of 41 G. III. c. 103, empowering his majesty to regulate the trade to and from the Isle of Malta, is continued by 43 G. III. c. 12. s. 3, in full force and effect until the 1st day of January 1804.

MANIFEST is a written document containing particulars of the ship and cargo.

By 26 G. III. c. 40. s. 1, no goods are to be imported into Great Britain in British ships without a manifest, signed by the master, containing the name and built of the ship, her tonnage, the port to which she belongs, and the port where she took in her cargo; the master's name, and an account of all the cargo, the different packages, marks, and numbers, with the particulars of what is stowed loose, is to be entered in words at length.

No wines shall be imported without a manifest, distinguishing the quantity of each different kind, marks, packages, &c. &c. with the names of the persons to whom consigned. Goods required to be accompanied with certificates to have the said manifest likewise, and on failure the goods shall continue to be liable to all the duties and fines to which they are subject by law. S. 2.

Masters of ships belonging to and clearing out from any foreign parts for Great Britain, shall deliver the manifest to the collector of the customs, or principal officer there, who is to make a duplicate, and indorse on the original his name, and the date on which it was presented to him, returning the original manifest to the master. S. 3.

No wine shall be admitted to an entry in Great Britain, unless the master importing the same verifies, upon oath, the truth, &c. of the contents of the manifest, before the British consul, or other British officer residing at the port of lading. S. 4.

Goods or wine imported in British ships without such manifest, or not verified upon oath, the master shall forfeit double the value, together with the full duties payable for the same. S. 5.

Masters of ships arriving within four leagues of the coast, or arriving at the port, to produce a copy of such manifest on demand to any custom-house officer first coming on board, who shall certify on the back of the original the date on which it was produced to him. S. 6.

Masters not producing such manifest on demand, or giving a false account of the destination of the ship, in order to avoid the same, shall forfeit double the value of the goods, with the full duties; and officers refusing to certify the production of the manifest shall forfeit 100l. S. 7.

Ships breaking bulk, or unlading any part of their cargo, within the limits of any port, or within four leagues



leagues of the coast, before their arrival at the proper port of delivery, the master and mate shall respectively forfeit 200*l.* except in cases of distress, or unavoidable accident, of which notice to be given to the collector of the next port, and the master, with two or more mariners, to make proof upon oath before such collector. S. 8.

Upon the arrival of any ship at the port of delivery, and the officer who first boards her finding any goods which are unavoidably stowed in the cabin, steerage, or any other place out of the main hold, he shall mark or seal such packages as shall be directed by the commissioners of the customs, which are not to be altered or broken till the goods are landed. S. 9.

The master or crew of such ship altering the marks, or breaking such seals, shall for each offence forfeit 200*l.* S. 10.

Within 24 hours after the ship's arrival in port, the master is to make entry upon oath of the built, burthen, contents, and lading, marks, numbers, &c. as directed by 13 and 14 Car. II under penalty of 100*l.*; and the said master, at the time of making such entry, neglecting to deliver the manifest, shall forfeit 200*l.* S. 11.

Any packages whatever, reported by the master, not being found on board the ship, or the goods reported not agreeing with the manifest, or if either the report or manifest shall not agree with the cargo, the master to forfeit 200*l.* Goods imported without manifests, or not agreeing therewith, and it appearing to the commissioners of the customs that the cargo was shipped in foreign parts, and no part of it unloaded since taken on board, and that the manifest has been lost or mislaid without fraud, &c. or defaced by accident, or incorrect by mistake, the forfeitures shall not be incurred. Goods taken in from necessity after the manifest is attested in manner before directed, the master to get a separate manifest of such goods made out: in such case the penalties shall not be incurred, provided the urgent necessity of taking such goods on board is obvious and satisfactory to the commissioners. S. 12.

After the arrival of such ship within the limits of any port, or four leagues of the coast, with goods so taken on board, or after the first production of the manifest (whether the goods are inserted or not),

and they shall be thrown overboard, staved, or in any manner destroyed (except by unavoidable necessity, proof of which shall be made to the satisfaction of the commissioners), the master to forfeit 200*l.* S. 13.

Every proprietor of goods imported into Great Britain, to make a due entry of the same within 20 days after the master has made his report at the custom-house, and pay the full duties; and if not paid within three months, the goods are to be sold; but not to extend to the selling of goods entered and warehoused on board, on security being given for the duties due thereon. S. 14.

No officer of the customs to permit any ship to be cleared out for foreign parts till the master and mate have given security by bond in 200*l.* with condition that they will not fraudulently import or land goods, &c. or till the master has produced a certificate from the collector of some other port, that such security has been before given. S. 15.

No drawback, bounty, &c. shall be allowed if the goods are in bales, press-packed, unless the different quantities and qualities shall be verified by the master, packer, or foreman, in the following manner, viz. if the goods are packed within 10 miles of the port, then by oath made upon the entry or cocket before the collector, &c.; and if packed at a greater distance, then on the like oath before some justice of the peace for the county where the packer resides. S. 16.

Masters of ships having goods for exportation shall, upon demand, deliver the cockets to officers of the customs, either within the limits of any port or within four leagues of the coast, under penalty of 100*l.*; and such officers, finding any goods on board not corresponding with the cockets, are to seize the same, which shall be forfeited; or not finding goods on board that are in the cocket, the master to forfeit 20*l.* for every packet not found. S. 17.

No entry shall pass, nor any debenture be made out, on goods entitled to drawback or bounty upon exportation, but in the name of the real proprietors, if resident in Great Britain, who shall, before receipt of the drawback or bounty, verify by oath, that they are the real proprietors of such goods, which are really exported to foreign parts, and have not been re-landed in Great Britain. Not to extend to prevent

agents of corporations or companies from making oath to entitle such corporation to any drawback on exportation of goods, nor the proprietors of any lands in the British plantations, &c. nor the agent of any person residing upwards of twenty miles from the port, provided that such agent testify upon oath the names of the real proprietors, with their place of abode, and, if required, give good and sufficient reason for his knowledge of the place to which the goods are to be exported. S. 18.

No bounty shall be paid for goods exported to Ireland, and no drawback shall be allowed for goods exported to Ireland, Guernsey, and Jersey, until a certificate shall be produced from the collector of the customs of those places, that such goods have been landed at those places. S. 19.

No goods, entitled to either drawback, bounty, or premium, shall be put on board any ship or vessel for exportation by any persons, except such as shall have license from the commissioners for the actual delivery of the whole of the goods to the officers of the revenue stationed on board, who are to give full information to the master in writing, for the better enabling him to give notice as required by this act previous to his clearing out. S. 20.

The commissioners of the customs to grant such license to every person who is by law entitled to put such goods on board, and who shall give such security as shall be deemed necessary, and to no other person whatever. S. 21.

The master of any ship or vessel from foreign parts is not to pass the usual places without bringing to, and receiving the revenue officers on board; or, being outward bound, shall not presume to pass without bringing to, and setting the officers on shore, unless by distress of weather, or other accident, to be made appear to the commissioners. Forfeiture for every offence 100l. S. 22.

All officers authorized to examine ships or goods, to have free access to the cabin, and every other part of the ship, and finding any place locked, or any chest, box, &c. of which the keys are not produced, and not opened to them, on their requiring the same of the master, they are (if a degree superior to tidesmen or watermen) authorized to open the same, in the best manner they can, and are hereby indemnified

for so doing; and, if tidesmen or watermen, they are to send for their superior officer. S. 23.

No goods of the growth, produce, or manufacture of countries beyond the Cape of Good Hope, shall be brought to London or Westminster either by land or water, without a certificate from the collector of the customs in London, certifying that the duties have been paid on importation, or that they have been compounded for, or condemned, which shall be verified by the oath of the proprietor, referring to the time when such goods were entered, &c. under forfeiture of goods, boats, carts, horses, &c. &c. used in the transporting or conveying such goods. S. 24.

In case of any dispute touching the place to which such goods were removing, the proof of removal to lie on the claimer of the goods, not the officer. S. 25.

But if it shall appear to the commissioners, that the goods so found removing were brought in a lawful and open way of trade, or are the property of private persons, and have been used as domestic furniture, they shall not be forfeited. S. 26.

MAN, ISLE OF, an island in the Irish sea, about nine leagues east from Ireland; it contains 160 square miles. This island produces hogs, sheep, goats, black cattle, and horses; the vallies produce hay, corn, they have also hemp, flax, oats, and barley.

The following are the principal regulations relative to the commerce of this island.

By stat. 12 G. I. c. 28. s. 22, no foreign goods whatever, except such as are of the growth, produce, or manufacture of that island, are to be brought from thence into Great Britain, or within the limits of any port thereof, on forfeiture of the goods and ship or vessel.

Foreign goods, not of the produce of that island, being brought thence and unshipped or landed within the limits of any port in Great Britain; penalty 100l. or six months imprisonment.

By stat. 5 G. III. c. 39. s. 8, no brandy, or other spirit whatever, to be imported into Great Britain or Ireland from the said island, on forfeiture thereof, with the ship, &c.

By stat. 5 G. III. c. 43. s. 12, foreign goods, though manufactured there (except linen), not to be imported into Great Britain.

By stat. 5 G. III. c. 39. s. 8, ships or vessels arriving thence with spirits, or other goods prohibited to be imported from the said island into Great Britain or Ireland, and being found at anchor, or hovering within three leagues of the land, are forfeited, with the goods, &c.

By stat. 5 G. III. c. 43. s. 11, and 20 G. III. c. 47. s. 10, the inhabitants thereof may import into Great Britain goods of the growth, product, or manufacture of the said island (except beer, ale, spirits, or woollens), the master of the ship producing a certificate from the chief officer of the revenue there, making oath thereto, and paying the excise duty as for the like goods manufactured in Great Britain.

By stat. 20 G. III. c. 47. s. 11, any officer of the revenue there granting a false certificate to accompany goods to Great Britain, forfeits 50*l.* and is incapacitated.

By stat. 5 G. III. c. 39. s. 6, no foreign brandy or other spirit to be exported from the said island, or carried coastwise there, but in ships of 100 tons, and casks of 60 gallons (except two gallons each for the seamen), on forfeiture of the goods, ship, &c.

Wine not to be imported into, or exported from the said island, nor carried coastwise there, except in ships of 100 tons, and casks of 25 gallons, on forfeiture of the goods, ship, &c.

By stat. 7 G. III. c. 45. s. 11, all goods carried coastwise there are subject to the same securities, rules, regulations, penalties, and forfeitures, as goods so carried in Great Britain.

By stat. 7 G. III. c. 45. s. 10, no brandy, spirits, wine, tea, coffee, chocolate, tobacco, glass, &c. to be shipped for exportation thence, on forfeiture of the goods, ship, tackle, &c.

By stat. 5 G. III. c. 39. s. 1, ships or vessels in any bay, harbour, &c. belonging to the said island, may be boarded and rummaged, and goods unlawfully imported seized, by officers of customs or excise.

By stat. 7 G. III. c. 45. s. 7, no tea, coffee, tobacco, brandy, or other spirits, to be imported into the said island, except shipped in England, and carried directly thence, on forfeiture of the goods, ship, tackle, &c.

No glass manufactures to be imported into the island, except shipped in Great Britain, and carried

directly thence, on forfeiture of the goods, ship, tackle, &c.

By stat. 5 G. III. c. 39. s. 4, no brandy or other foreign spirit to be imported there, but such as shall be shipped in and carried directly from Great Britain, on forfeiture of the goods, ship, &c.

By stat. 7 G. III. c. 45. s. 8, 14, 20 G. III. c. 42. s. 6, and 29 G. III. c. 6. s. 51, commissioners of customs may license British subjects to export from England to the port of Douglas, in British ships, 30,000 gallons of British plantation rum, 20,000 lbs. of botchea, and 5,000 lbs. of green tea, and 5,000 lbs. of coffee, annually, for which the exporters are to be allowed the usual drawbacks and bounties.

By stat. 5 G. III. c. 39. s. 2, no East India silks, or East India printed calicoes, or cambrics, or French lawns, are to be exported to that island from Great Britain, on forfeiture thereof.

By stat. 12 G. I. c. 78. s. 23, foreign goods being landed there, which were entered for exportation to other parts, subject the merchant to forfeiture of the drawback, and to treble the value of the goods, and the master of the ship to treble the value of the said goods, and six months imprisonment.

By stat. 5 G. III. c. 39, persons unshipping, landing, or receiving prohibited goods, or assisting therein, to or from the said island, are liable to the same penalties as for the like offences committed in Great Britain. S. 14.

Ships or vessels found in any bay, harbour, &c. or at anchor, or hovering within three leagues, and having goods prohibited to be imported into the said island, or to be exported from or carried coastwise there, are forfeited, with the goods, &c. S. 7. By a recent act, if hovering within *eight* leagues. See *Smuggling*.

Articles not prohibited, being found on board any ship liable to seizure, may be carried to and warehoused in Great Britain or Ireland, to be delivered to the owner or his agent, if not claimed in 20 days, to be advertised, and may be sold in six months, or sooner if a perishable commodity; the officer detaining such articles is indemnified. S. 10, 11, 12.

Persons insuring goods to be unlawfully landed there, or brought thence into Great Britain, incur a penalty of 50*l.*; but if either of the parties, whether it

be the insured or the insurer, discover the fraud within six months, he exonerates himself, and is entitled to a moiety of the penalty that may be recovered.

By 5 G. III. c. 39. s. 8, and 7 G. III. c. 45. s. 153, seizures made under the act of 5 G. III. c. 39, for restraining illicit trade to and from the said island, may be prosecuted in the courts of law there, or in the courts of Westminster, &c.

By stat. 5 G. III. c. 39. s. 14, a subpoena issuing out of the courts at Westminster, and served on any defendant or witness in the said island, to appear on the trial of an information for any offence against this act, must be obeyed.

By stat. 7 G. III. c. 45. s. 8, his majesty's receiver general of that island, or his deputy, must keep a register of excisable goods imported from England into the port of Douglas, and must transmit a quarterly account thereof to the custom-house in London.

By stat. 12 G. I. c. 28, foreign goods exported from Great Britain to that island are not to be allowed any drawback. S. 21.

Isle of Man to be added to the oath on debentures for foreign goods exported. S. 24.

By stat. 38 G. III. c. 63, from July 5, 1798, no British spirits to be exported from England to the Isle of Man, on penalty of forfeiture. S. 1.

The commissioners of the customs in England may grant licences for the importation into the port of Douglas, of 10,000 gallons of foreign brandy, and a like quantity of geneva, in one year, in British built vessels of not less than 50 tons; 3s. per gallon to be paid on importation thereof. S. 2.

But no such brandy or geneva to be imported, except of a higher strength than that of one to nine over hydrometer proof, and in casks of 100 gallons at least, on forfeiture thereof. S. 3.

No foreign brandy or geneva to be removed in the Isle of Man, or carried coastwise, unless in the original package, on forfeiture. S. 4.

And the said commissioners may grant licences for the importation of 60,000 lb. of tobacco into Douglas in the like vessels, &c.; 6d. per lb. to be paid on the importation instead of the duty now payable. S. 5, 6.

They may also allow 70 tons of wine to be imported; and beside the duty now payable on wine, a

farther duty of 8s. per tun shall be paid; and no wine to be so imported in less casks than a hoghead, nor shall it be carried coastwise, except in the original package, on forfeiture of the wine, and of the vessels employed. S. 7, 8.

By stat. 38 G. III. c. 63. s. 14, and by 41 G. III. continued to July 5, 1803, on exportation of hops to the Isle of Man, the drawback of the duty to be allowed, and one penny three farthings per lb. to be paid on importation instead of former duties.

By 38 G. III. c. 63. s. 19, no drawback or bounty to be allowed, nor any debenture to be made out, until a certificate shall be produced under the hands and seals of the officers of importation, and such goods have been duly entered and landed.

Persons counterfeiting, or using counterfeit licences or documents, forfeit 500l. S. 11.

**MANUFACTURE**, a commodity produced from raw or natural materials, by the labour of man or by machinery. The variety of manufactures carried on in this island is now very great. No nation in the world can rival us either in the variety, quality, or price of most of our manufactures. There are, however, several exceptions, though not in articles of great importance.

This country was so little inclined to encourage manufactures, or to turn its attention that way, that so late as the 16th century our wool, which has always been one of the staples of England, was exported to Flanders, and received back manufactured in cloth. For the beginning and progress of our manufactures in early times, see the *Introduction*, which treats of the general trade of the country.

The woollen manufacture, which is the most ancient and important, has increased greatly during the last 25 years, and is still augmenting, notwithstanding the high price of the material, and increased wages of labour. On the late examination of the principal woollen manufacturers, by a committee of the house of commons, Mr. W. Hustler estimated the quantity of wool grown in this country at 600,000 packs of 240 lbs. each, which, at 11l. per pack, makes the value thereof 6,600,000l. He justly observed, that it is difficult to ascertain how much the wool is increased in value by being manufactured: some sorts are increased rather more than double, some nine times, or even more;

but



but if the average is taken at only three times, and the 6,600,000. reduced to 5,000,000., there is reason to think we shall be near about the truth, which is done by reducing the packs to 500,000, and their price to 10l. instead of 11l. The value of woollen goods exported from Great Britain in the following years was as follows :

1797	-	-	£.4936,355
1798	-	-	6,499,339
1799	-	-	6,876,939
1800	-	-	7,350,000
1801	-	-	7,790,000

The average is about 7,000,000. Most of the custom-house value of goods exported are considerably below the real value; an addition, however, of 500,000. may be made to the above sum on this account without exceeding the truth: the value of woollen goods exported will then appear to be about 7,500,000., and the value retained for home consumption may be nearly equal to the value exported.

It has been thought by those who understand most of the business, that from 8s. to 10s. might be the average wages of men, women, and children, employed in this branch of business, per week, or from 20l. to 25l. a year, which gives about 450,000 for the number of persons occupied in the woollen manufacture, dying, &c.; the value of the raw material 5,000,000. being deducted from that of the whole amount of manufactured articles.

The value of the leather manufacture was, some years ago, stated at 10,500,000., and from the state of the trade of late, and the high price of skins of most kinds, it cannot be supposed less than that sum at present. Proceeding on similar principles of calculation, the number of persons employed would be about 250,000.

The cotton manufacture was formerly of little importance in this country in comparison with its present state. The total quantity of cotton wool imported into England, on an average of five years, ending with 1705, was 1,170,881 lb.; and even so late as the year 1781, it amounted to only 5,101,920 lb. About this time, however, the British calicoes had arrived at some degree of perfection; the whole manufacture experienced such a rapid and great increase, that, previous to the last war, the consumption of

cotton wool amounted to upwards of 32,000,000 lb. per annum. In the years 1793, 1794, and 1795, the import was considerably less, and during the last six years has been as follows :

1796	-	-	31,280,000 lb.
1797	-	-	23,175,000
1798	-	-	31,592,000
1799	-	-	35,689,000
1800	-	-	37,500,000
1801	-	-	42,900,000

Taking the average at 35,434,000 lb., the value of which, manufactured, cannot be less than 10,500,000. allowing for a considerable quantity exported in a partially manufactured state, deducting from this sum 4,000,000. for cost of the raw materials, and 1,000,000. for profit, interest of money, &c., there remains 5,500,000. for wages, which, if divided at the rate of only 15l. per annum for each person, on account of the large proportion of women and children employed, makes the whole number 360,000 persons.

The linen manufacture of Great Britain is chiefly confined to Scotland, though some branches of it are carried on in Manchester and other parts of England. The total quantity of British linen exported during the last five years was as follows :

1797	-	-	14,533,000 yards.
1798	-	-	20,744,000
1799	-	-	21,204,000
1800	-	-	23,000,000
1801	-	-	26,000,000

The quantity retained for home consumption is probably much greater than the export; the value of the whole must be at least 2,500,000.

The proportions of the following manufactures may be considered to be nearly as under, the woollen being taken as 15.

Woollen	-	-	15
Leather	-	-	11
Cotton	-	-	10
Iron, tin, lead	-	-	10
Copper and brass	-	-	3½
Steel, cutlery, plating, &c.	-	-	3½
Linen and flax	-	-	3½
Hemp	-	-	1½
Glass	-	-	1½

The great variety of other manufactures of various descriptions cannot be estimated.

The division of labour, and invention of machinery applied to our manufactures, enable this country to bring a variety of different articles to great perfection and at a low price. The labour of more than 1,000,000 persons is done by fire engines, which reduce the price of raw materials as well as of the manufactured article.

The American is the principal market to which we are to look for the consumption of our manufactures. Each inhabitant of the United States consumes yearly about 30s. of British manufacture. Taking the nations on the continent of Europe, on an average they do not consume more than 18d. And as the population of America doubles in about 20 years, it will soon take more goods from us than all the world. Thus, then, we may expect, for many years to come, an increase of the consumption of the produce of our industry, which holds out a fine prospect to the merchants and manufacturers of this country.

MANUFACTURERS. See *Artificers*.

MARSHALSEA. See *Courts*.

MARITIME HONOURS. The maritime honours, about which there have been so many disputes, and which have often led to violent acts, and even to war, consist in saluting with *cannon*; and on this point it is to be determined who shall salute the first, at what distance the salute shall be given, with how many guns, and if the salute shall be returned gun for gun: in saluting with the *flag* or with the *pendant*; and here it is to be fixed on, whether it is to be furled up, lowered, or hauled quite down: in saluting with the sails, by lowering, or hauling down the foretop-sail. This last way of saluting is usually made use of by merchantmen, but is also sometimes used by vessels of war.

All powers, whether monarchical or republican, may require all foreign vessels, whatever be their number and their quality, to salute with cannon and flag, as well before they enter their ports, as in passing under the cannon of their fortresses. In the latter case, the fortresses return gun for gun, or else, after the salute is finished, fire a salute adapted to the quality of the vessels, or that of the commander; being on the seas under their dominions, to salute their ships of war

with cannon, and even with the flag. These points are generally acknowledged. It is easy to perceive how the disputes on the empire, or the liberty of certain parts of the seas, must, at almost every step, create contestations concerning these honours.

On the parts of the sea acknowledged to be free, or belonging to a third power, there is not, generally speaking, any obligation for the vessels of war saluting one another; therefore it often happens that the salute is entirely omitted. Nevertheless, it is customary for a vessel that carries no more than a *pendant* (a captain's vessel) to salute a vessel carrying an admiral's *flag*, and, when the salute is finished, for the admiral to return him six guns less than he has received, the vice-admiral four less, and the rear-admiral two less. A detached vessel salutes a squadron or a fleet. Royal vessels require republican ones to lower their flags or pendants at the same time that they salute. England requires that their admirals shall always receive the first salute from all foreign vessels whatever, as well with the cannon as with the flag.

Sometimes the honour of the first salute with cannon is given to persons of distinction who are on board the foreign vessel; to a sovereign, a prince of the blood, or an ambassador. But even this point has not escaped contestation.

Merchant ships are obliged to salute all vessels of war, fortresses, and posts, as well with their cannon as with their merchant flag and their sails.

To prevent disputes on points not decided by conventions, it is agreed, sometimes, to omit the salute, either for once or always; or else by instructions given to the commanders at sea; rigour towards friendly powers is avoided.

MARITIME LAWS. The most important branches of commerce being carried on by sea, it is necessary to consider the rights of nations on the seas and waters in general. The better to understand these rights, it is essential to distinguish property from empire. The former implies a right to enjoy a thing exclusively, and to dispose of it; the latter, a right to demand obedience, respect, and power, from those who make use of it. To claim the sole property of a thing, a person must, 1. have been able to hold it legitimately; 2. it must have been effectively possessed; and 3. the claimant must be in a situation to maintain the possession.

session. Empire may be joined to property; but it may be also separated from it; and may extend over a thing which is the property of others, or which belongs to nobody in particular, but remains in the primitive state of possession in common.

When a nation takes possession of a district, and founds its empire over it, all which is comprehended in such district belongs to the nation. The lakes and rivers which separate the land, are therefore the property of the state, or of individuals, and are under the empire of the sovereign. A nation may likewise be understood to occupy lawfully the rivers on its frontiers, even to the opposite banks: but, if these banks be occupied by another nation, and if it be impossible to determine which of the two has had the prior possession, each in that case having equal pretensions, it ought to be presumed that both took possession at the same moment; and consequently, that they met in the middle. Every nation, therefore, has a right to property as far as the middle of all the lakes and rivers situated on its frontiers. The same holds good as to straits. A custom, generally acknowledged, extends the authority of the possessor of the coast to three leagues from the shore.

A nation may occupy and extend its dominions beyond these distances, either on rivers, lakes, bays, straits, or the ocean; and such dominion may, if the national security requires, be maintained by an armed force. The empire of a nation on the seas, may extend as far as has been acknowledged by the consent of other nations. It remains then to be considered, whether or not there are such extended limits on the European seas, acknowledged to be under the dominion of a particular nation. Of the bays, straits, and gulphs, some are generally allowed to be free; others are regarded as under the dominion, and, in part, even the property of the masters of the coast; and of others again, the property and dominion is under dispute.

The following parts of the sea are allowed to be free; the Spanish Sea, the Aquitain Sea, the North Sea, the White Sea, the Mediterranean, and the Straits of Gibraltar. The three straits between Denmark and Sweden are under the dominion, and looked on as the property, of the king of Denmark; St. George's Channel is under the dominion of Great Britain; the Straits of

Sicily have been held to be under the dominion of the king of the Two Sicilies; the Gulph of Bothnia is under the dominion of the king of Sweden; the Black Sea, the Egean Sea, the Bosphorus of Thrace, the Propontis, and the Hellespont, are under the dominion of the emperor of Turkey. Great Britain claims the dominion, and, in part, the property, of the four seas that surround her. Venice claims dominion over the Adriatic; and Genoa the Ligurian Sea. A variety of disputes have arisen as to the Baltic.

The vast extent of the seas which compose the ocean, renders it out of the power of any of the states of Europe to maintain and defend the possession of it. But a nation may renounce the liberty of navigating the Indian or other sea.

The effect of those rights differs greatly as a nation assumes the privileges of proprietor and of sovereign, or is contented with those of empire only, or requiring maritime honours.

The powers who are masters of the banks of rivers and lakes, have a right to appropriate them exclusively to themselves. In general, they forbid foreigners to fish on them; but, with respect to navigation, as it is contrary to the commercial liberty generally introduced in Europe, foreigners are now permitted, in time of peace, to navigate freely. This liberty is founded, in part, on treaties, and, in some demi-sovereign states, on law. But in every case where it is only founded on custom, that does not hinder a nation from making whatever regulations and restrictions it pleases, or from exercising over such parts of its territory all the rights of sovereign dominion.

The sea surrounding the coast, within three leagues of the shore, is entirely the property, and under the dominion, of the master of the coast, who has the exclusive right to all its produce, ordinary or accidental; so far as relates to things unclaimed by any lawful proprietor: and may forbid or restrain the navigation of foreigners in his roads, or their entry into his ports; and may there require the maritime honours allowed by custom to those who have dominion over any part of the seas.

The rights exercised on the sea near the coast, are also exercised in those straits which are not wider than

two cannon shots, or six miles. Thus, the king of Denmark, by possessing the property and dominion of the navigable part of the Sound, claims not only the maritime honours due to him as sovereign, but a toll for the liberty of passing; a payment which has now been secured and fixed by treaties. See *Wrecks* and *Sound*.

**MARKET.** The establishment of public marts or places of buying and selling, with the tolls thereunto belonging, is enumerated as one of the king's prerogatives, and can only be set up by virtue of the king's grant, or by long and immemorial usage.

All sales and contracts of any thing saleable in markets overt, shall not only be good as between the parties, but binding also upon all persons having any property therein. 2 Inst. 713.

Every day in London, except Sunday, is market day, *Cro. Jac.* 68. The market place or spot of ground set apart by custom for the sale of particular goods, is also in the country the only market overt. *Godb.* 131.

In London, every shop in which goods are exposed publicly to sale, is market overt for such things only as the owner professes to trade in, 5 Rep. 83; though if the sale be in a warehouse, and not publicly in the shop, the property is not altered. But, if goods are stolen from one, and sold out of market overt, the property is not altered, and the owner may take them wherever he finds them.

If a man buys his own goods in a market, the contract shall not bind him, unless the property had been previously altered by a former sale. *Perk.* s. 93. See *Fair*.

**MARK OF GOODS** is used to ascertain their property or quality, &c.: and if one man shall use the mark of another, with intent to do him damage, upon injury proved, an action on the case will lie. 2 *Cro.* 471. Marks also shew where the goods were made, and by whom; as also that they were inspected by the proper officers. See *Customs*, *Excise*.

**MARSEILLES**, a city of Provence, in France, in the department of the Bouches du Rhone, situated upon the Mediterranean, six leagues south of Aix, and twelve north-west of Toulon, in long. 23 deg. 2 min. and lat. 43 deg. 17 min. This is one of the most ancient commercial cities in Europe; and is the princi-

pal commercial town in the French republic, employing in its trade the largest quantity of shipping. Exclusive of its internal produce, Marseilles exports to the Levant cloths from Languedoc, dying woods, sugar, coffee, and indigo, which is imported into Marseilles from the colonies; cochineal from Cadiz; pepper, iron, lead, tin, writing paper, syrups, fruits, quicksilver, tartar, vernilion, silk stuffs, lace, cloths, jewellery, mercery, and sequins and piastres, from Spain.

Marseilles imports from Turkey and Asia Minor cotton and cotton wool, silks, gum, wax, goats hair, skins; from Syria, cottons, silks, cloths, scarmony, galls, &c.; from Egypt, cottons, gum, coffee, incense, myrrh, rice, sal ammoniac, tamarinds, senna, citron, hides, ostrich feathers, and coarse cotton cloths, which are sent to America; from Barbary, cotton, wool, hides, raw or prepared, wax, ostrich feathers, corn, barley, beans, peas, millet, and olive oil.

The commerce of Marseilles before the revolution occupied 400 sail of shipping, and its trade since the late peace is beginning to revive.

By a late consular decree, Marseilles has been declared an *entrepot* for foreign merchandize, which may remain for two years in the warehouses; in the course of which time, those articles which are prohibited in France may be exported. The government has likewise permitted the free transportation of merchandize between the Italian and Ligurian republics, by the route of Piedmont.

**MARRIAGE SETTLEMENT.** See *Bankruptcy*.

**MARTINIQUE**, one of the great Antilles, belonging to the French. The island is 16 leagues in length, and nearly 60 in circumference. The numbers in 1800 were 12,560 whites, 3,672 free mulattoes, 79,000 slaves, 305 sugar plantations, 134 water mills, 16 wind mills, and 169 turned by horses and oxen; 1793 plantations of coffee, and 1814 houses, in St. Pierre, the capital. The produce is sugar, coffee, cotton, and in general the same as the other West India islands; and all in the greatest perfection, and of a superior quality.

**MASSACHUSETTS**, one of the United States of America, 150 miles long, and 60 broad; bounded on the north by New Hampshire and Vermont, on the west by New York, on the south by Connecticut, Rhode Island,



Island, and the Atlantic Ocean, and on the east by that ocean and Massachusetts Bay. It produces plenty of Indian corn, flax, hemp, copper, and iron; and has six several manufactures of leather and coarse woollen cloth. This is the only state in the union in which there are no slaves, slavery having been abolished by the legislature some years ago. Boston is the capital.

**MASTERS AND SERVANTS.** This is one of the three great relations in private life, and it is founded in that convenience whereby a man is induced to avail himself of the assistance of others in cases where his own skill and labour are inadequate to effect his purposes.

The different kinds of servants may be divided into menial servants, apprentices, journeymen, or labourers. Another species of servants may also be added, who though of a superior nature, and acting in a ministerial, rather than a servile capacity, that is to say, in many cases representing their employer, are nevertheless considered by the law as servants during their continuance in employment, with regard to such of their acts as may affect his property.

The following article will be confined to the laws relative to menial servants and workmen employed in the different manufactories.

*Of menial or domestic servants.* Menial servants are so called from their living within the house or walls of the master. The hiring may be made either in writing, or by a verbal declaration, and for any time that may be agreed upon between them.

In London and other places, the mode of hiring is by what is commonly called, a month's warning, or a month's wages; that is, the parties agree to separate on either of them giving to the other a month's notice for that purpose, or in lieu thereof, the party requiring the separation, to pay or give up a month's wages.

But if the hiring of a servant be general, without any particular time specified, it will be construed to be a hiring for a year certain, and in this case, if the servant depart before the year, he forfeits all his wages. *Noy. Max. 107.*

And where a servant is hired for one year certain, and so from year to year, as long as both parties shall agree, and the servant enter upon a second year, he

must serve out that year, and is not merely a servant at will after the first year.

If a woman servant marry, she must nevertheless serve out her term, and her husband cannot take her out of her master's service.

From the interest which a master has in the service of his domestics, by reason of the wages he pays them, he may maintain an action against any person who has by any means deprived him of their service.

If a servant is disabled in his master's service by an injury received through another's default, the master may recover damages for loss of his service. Also, a master may not only maintain an action against any one who entices away his servant, but also against the servant; and if without any enticement, a servant leaves his master without just cause, an action will lie against another who retains him with a knowledge of such departure.

A master has a just right to expect and to exact fidelity and obedience in all his lawful commands; and to enforce this, he may correct his servant in a reasonable manner, but this correction must be to enforce the just and lawful commands of the master. *Bul. N. P. 18. Wms. Just. 145.*

In defence of his master, a servant may justify assaulting another, and though death should ensue, it is not murder, in case of any unlawful attack upon his master's person or property.

Acts of the servant are in many instances deemed the acts of the master; for as it is by indulgence of the law that he can delegate the power of acting for him to another, it is just that he should answer for such substitute, and that his acts being pursuant to the authority given him, should be deemed the acts of his master. *4 Bac. Abr. 587.*

If a servant commit an act of trespass by command or encouragement of his master, the master will be answerable. *1 Black. Com. 129.* But in so doing, his servant is not excused, as he is bound to obey the master in such things only as are honest and lawful.

If a servant of an innkeeper robs his master's guest, the master is bound to make good the loss.

Also, if a waiter at an inn sell a man bad wine, by which his health is impaired, an action will go against the

the master; for his permitting him to sell it to any person is deemed an implied general command. 1 *Black. Com.* 430.

In like manner, if a servant be frequently permitted to do a thing by the tacit consent of the master, the master will be liable, as such permission is equivalent to a general command.

If a servant be usually sent upon trust with any tradesman, and he takes goods in the name of his master upon his own account, the master must pay for them: and so likewise if he be sent sometimes on trust, and other times with money; for it is not possible for the tradesman to know when he comes by the order of his master, and when by his own authority, or when with and without money. 1 *Str.* 506.

But if a man usually deal with his tradesman himself, or constantly pay him ready money, he is not chargeable with what his servant may take up in his name, for in this case there is not, as in the other, any implied order to trust him.

Or if the master never had any personal dealings with the tradesman, but the contracts have always been between the servant and the tradesman, and the master has regularly given his servant money for payment of every thing had on his account, the master shall not be charged. *Esp. N. P.* 115.

Or if a person forbid his tradesman to trust his servant on his account, and he continues to purchase upon credit, he is not liable.

The act of a servant, though he has quitted his master's service, has been held to be binding upon the master by reason of the former credit given him on his master's account, it not being known to the party trusting, that he was discharged. 4 *Bac. Abr.* 586.

The master is also answerable for any injury arising by the fault or neglect of his servant when executing his master's business; as when a person's servant brought a coach and two ungovernable horses of his master's into Lincoln's Inn Fields, in order to break them in, and they, from the carelessness of the driver, ran over a passenger, an action may be maintained as well against the master as the servant. *Lord Raym.* 375, 739. 6 *T. R.* 659. But if there is no neglect or fault in the servant, the master is not liable. *Esp. Rep.* 533.

If a smith's servant lame a horse whilst shoeing

him, or the servant of a surgeon make a wound worse, in both these cases an action for damages will lie against the master, and not against the servant. 1 *Black. Com.* 431. But the damage must be done whilst the servant is actually employed in his master's service, otherwise he is liable to answer for his own misbehaviour or neglect.

A master is likewise chargeable, if his servant cast any dirt, &c. out of the house into the common street, and so for any other nuisance occasioned by his servants, to the damage or annoyance of any individual, or the common nuisance of his majesty's people. *Lord Raym.* 264.

A servant is not answerable to his master for any loss which may happen without his wilful neglect, but if he be guilty of fraud or gross negligence, an action will lie against him by his master.

In a recent case which was much discussed, it was decided that a master is not liable in trespass for the wilful act of his servant, as by driving his master's carriage against another, done without the direction or assent of his master, no person being in the carriage when the act was done. But he is liable to answer for any damage arising to another from the negligence or unskilfulness of his servant acting in his employ. *M. Manus v. Crickitt*, Mich. 41 G. III.

*Servants employed in trades, manufactures, &c.* By 5 Elizabeth, c. 4. s. 3, no person shall hire, nor shall any one be hired to work for a less term than one year, in the following trades:

Clothier,	Or arrow head maker,
Cloth-worker,	Tucker,
Taylor,	Dyer,
Baker,	Tanner,
Smith,	Glover,
Spurrier,	Currier,
Butcher,	Capper,
Miller,	Fletcher,
Woollen cloth weaver,	Fuller,
Sheerman,	Hosier,
Shoemaker,	Pewterer,
Brewer,	Cutler,
Carpenter,	Sadler,
Farrier,	Boyer,
Turner,	Cook.
Hat maker or felt maker,	

The hours of work betwixt the midst of March and the midst of September, from five in the morning, till between seven and eight at night, excepting two hours for dinner.

The hours of work of artificers or workmen hired by the day or week, shall be as follows : betwixt the midst of March and the midst of September, workmen shall be at their work at five in the morning, and continue till between seven and eight at night, except during the time of breakfast, dinner, and drinking, the whole not exceeding two hours and an half ; that is to say, drinking one half hour, at dinner one hour, and for their sleep when allowed to sleep, viz. from the midst of May till the midst of August, half an hour, breakfast one half hour ; and artificers and labourers, between the midst of September and the midst of March, shall be at work from the spring of day until night, except at breakfast and dinner, upon forfeiture of one penny per hour, to be deducted from their wages.

By the said statute of 5 Eliz. Not to depart out of one city, town, or parish to another, nor out of the hundred, division or county, where last served, to serve in another city, town, division, hundred or county, unless he have a testimonial under seal of the city, or of the constable, or other head officer, and two householders of the city, town or parish.

Servants of the above description shall not be retained into any other service, without shewing before his retainer, such testimonial to the chief officer of the town corporate, and in every other town and place to the constable, curate, churchwarden, or other head officer, where he shall be retained, upon pain of being whipped, and treated as a vagabond ; and every person retaining such servant, without such testimonials, shall forfeit five pounds.

By 5 Elizabeth, c. 4, justices or magistrates in towns corporate, shall yearly in Easter sessions, limit, rate, and appoint the wages of artificers, servants, &c. by the year, day, week, month, or otherwise.

By 1 Jac. I. c. 6, the above act of 5 Elizabeth is extended to the rating of wages of all labourers, weavers, spinsters, and workmen whatsoever, either working by the day, week, month, or year, or the taking any work by the great or otherwise, and justices may cause proclamation thereof to be made accordingly.

Persons taking more than allowed by the proclamation, shall be imprisoned for ten days without bail, and forfeit five pounds.

Persons taking wages contrary to the said act, or to the said proclamation, shall be imprisoned for 21 days, without bail.

Every retainer, promise, gift, or payment of wages, or other thing contrary to the said act, and every bond or writing made for that purpose, shall be utterly void. Clothiers or other persons refusing to pay so much wages to their weavers, spinsters, workmen, or workwomen, as shall be settled, shall forfeit 10s. to the party aggrieved.

By 15 G. III. c. 68, and 22 G. III. c. 44, wages of journeymen within the city of London shall be settled by the lord mayor, recorder, and aldermen ; and in Middlesex, by the justices of the said county.

Master weavers giving more or less wages than allowed, forfeit 50l.

By 4 Edward IV. c. 1, every clothmaker shall pay servants wages agreed upon in money only, upon pain of forfeiting to his labourers treble their wages.

The 1 Anne, stat. 2. c. 18, extends the 4 Edward IV. c. 1, relative to payment of wages in money, to workmen concerned in the woollen manufactures.

By 1 G. I. st. 2. c. 15, the above acts are enforced under a penalty of 40s.

By 12 G. I. c. 34, and 22 G. II. c. 27, every clothier, serge-maker, or worsted or woollen stuffs, or concerned in employing wool-combers, combers of jersey, frame-work knitters, makers of stockings, weavers, dyers, hat-pressers, and all other persons employed in making of felts or hats, or in any of the manufactures of silk, mohair, fur, flax, linen, cotton, fustian, iron, or leather, or any of the said materials mixed with one another, shall pay the full wages agreed on in money, and shall not pay the same in goods, or by way of truck, or in any other manner, or make any deduction on account of any goods sold previous to such agreement.

And by 29 Geo. II. chap. 33, the same mode of payment of wages in respect of persons employed in any of the woollen manufactures, is further enforced under the penalty of 20l. to be recovered by action of debt.

And by 30 Geo. II. chap. 12, clothiers neglecting to pay wages or price in money, within two days next

after their work be completed, shall forfeit for each offence, 40s.

By 13 Geo. II. chap. 8, payments to workmen employed in manufacturing leather gloves, boots, breeches, shoes, slippers, wares, or other goods or materials used in any of those trades, shall be in lawful coin only, and not by any virtuals or commodities, except by their request.

*Mode of recovering wages.* Magistrates may order payment, as well as assess the rates of wages. 2 Ld. Raym. 920. 6 Mod. 91. 1 Stra. 8, 475. 2 *Ibid.* 1002.

But justices of the peace, according to the true construction of this statute, have no power to order payment of wages, except in the case of artificers, husbandmen, and such servants whom they may compel to serve according to the statute. 6 Mod. 91. *Carters* 156.

If a person retains a servant, and agrees to pay him so much by the day, month, or year, he may have an action against the master, on the contract, or against his executors; and every such retainer will be presumed to be in consideration of wages, unless the contrary appears. 9 Co. 88. 2 *Roll. Rep.* 269.

By stat. 5 Eliz. c. 1, artificers and labourers retained in building or repairing any church, house, ship, mill, or other work in great, shall not depart before finishing such work, upon pain of imprisonment for one month, and 5l. to the party aggrieved, besides costs; nor shall any artificer or labourer retained to work for the king, or any other, depart till the work be finished, if the person retaining him will so long keep him, and pay him his wages, on penalty of one month's imprisonment; and damages may be recovered by the master of each workman, against any one who may entice him to leave his work unfinished, or employ him after notice of his being employed by another; for *per* Ld. Kenyon, he that contracts with another to do certain work for him, is the servant of that other till the work is finished, and no other person can employ such servant to the prejudice of the first master; the very act of giving him employment, is affording him means of keeping him out of his former service. 6 Term Rep. 221.

By 20 Geo. II. chap. 19, one justice, upon complaint made upon oath by any master or mistress or employer, against any servant in husbandry, artificer,

handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, concerning any misdemeanour, miscarriage, or ill behaviour, in any such service, to hear and determine the same, and to punish the offender, by commitment to the house of correction for any time not exceeding one calendar month; or by abating some part of his wages, or by discharging him from his service: and in like manner such justice, upon any complaint made upon oath by any of the afore-mentioned servants, artificers, &c. against such master, mistress, or employer, concerning any mis-usage, refusal of necessary provision, cruelty, or ill treatment, to summon such master, &c. and upon the proof of the complaint upon oath, may discharge such servant.

Also by 6 Geo. III. chap. 25, if any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall be guilty of any misdemeanours, any justice may commit the party offending to the house of correction for a term not exceeding three months nor less than one. Nothing in the above act shall extend to the stannaries in Devonshire and Cornwall.

**MASTERS OF SHIPS.** For the duty and responsibility of masters of vessels, see *Insurance, Shipping, Shipmaster*  
**MAXIMUM**, a regulation which fixes the highest price of any article or commodity. The expediency of using a maximum on the necessary articles of life has at all times, and in most nations, been a question of importance; but of late years it has been discussed in this country with peculiar warmth and interest.

The question, however, has not been treated with the same profound knowledge of the matter that distinguishes our leading political men on most other subjects. It has been discussed only in the abstract. A certain number of persons, and amongst others the late chief justice of the King's Bench approved, in some cases, of a maximum; other persons, following the idea of Mr. Adam Smith, disapprove of a maximum in any case; but in both instances the general approbation or disapprobation is wrong. The advantages or disadvantages of a maximum depend on its application and on particular circumstances, not merely on its nature; it is therefore not to be treated as an abstract question.

The interest of money is subject to a law, and so are the



profits of pawnbrokers, the price of beer, the labour of bakers, hire of hackney-coaches, and various other things where there is reason to suppose that the person paying might be liable to extortion. A maximum, in some cases, is then already adopted, and found to answer a good purpose: to reject the principle entirely is wrong, and it becomes clearly a question depending on circumstances, how far and in what cases it should be applied. The maximum, therefore, ought to be treated as a matter of expediency, not as an abstract question, because it is neither absolutely good nor absolutely pernicious, but sometimes the one, and sometimes the other.

The fatal effects of a general, an ill-combined, and unjust maximum laid on in France, under the reign of Robespierre, have thrown a discredit on the measure. The opinion of Mr. Smith, that articles of commerce find their level, has had the same tendency; but that conclusion is not warranted. Mr. Smith himself approves of the regulations for the interest of money, which is a maximum applied in a very important instance; therefore he has inadvertently given a general rule where he himself has made exceptions. As for Robespierre's maximum it was too general and absurd; besides it was in force during the time that assignats were multiplying in quantity, and diminishing rapidly in value.

MAYOR OF LONDON. See *London*.

MEASURES. See *Weights and Measures*.

MEDITERRANEAN PASSES, are granted by the admiralty, under their seal to merchantmen, particularly to those trading to the Mediterranean, or the coast of Barbary. By stat. 4 G. II. c. 18, if any persons shall falsely make, forge, or counterfeit any pass for any ship, called a Mediterranean pass, or shall alter or erase any true and authentic pass, issued by the admiralty, shall utter or publish as true any such false or forged, altered or erased pass, every such person shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

MERCHANT, a person who buys and sells commodities in the gross, or who traffics commercially by exporting and importing for his own account. The word was formerly of a different meaning in this country from what it is now; retail dealers were then called merchants, as they are in France and Holland

still; but in this country those who sell retail, with a few exceptions, have lost that appellation. The transacting mercantile business does not constitute a merchant. Those who buy, sell, export, and import for the account and at the risk of others, are called agents, factors, and brokers. Those who transact business, by keeping goods ready in their possession, are termed warehousemen, though they do not sell by retail; yet, in some cases, those who do deal in retail transactions, such as coal merchants, wine merchants, hop merchants, timber merchants, &c. &c. are honoured with that appellation.

Merchants, properly so called, are of two descriptions, such as are general merchants, and deal to all parts, and indiscriminately in every article in gross, and such as deal only in one article, or with one country. Thus there are West India merchants, Russia, Turkey, Spanish, and American merchants, &c.

General merchants require a very extensive knowledge of business. Those who limit their transactions to particular articles or particular places do not find so general a fund of knowledge necessary; but there are certain branches of commercial learning that are necessary to all of them.

Strict probity and good faith are absolutely necessary to all merchants; it forms the basis of the mercantile character; and it is no improper tribute paid to the mercantile part of this country to say, that they have carried none of their other qualities to a higher or more honourable degree.

Every merchant should be acquainted with the following branches of commercial learning: he should write with propriety and correctness, understand arithmetic and book-keeping; making out and examining invoices, charter parties, policies of insurance, bills of lading, and bills of exchange.

If a general merchant, he should know, besides these, the merchandises or commodities found more in one country than in another, how they are best transported, where to be sold, how estimated, whether by weight, measure, or number, the circumstances of seasons, war, peace, &c. that render them dear or cheap; the duties, customs, or other regulations on exportation or importation. To the above he should add, if possible, a knowledge of foreign languages, at least French, German, and Italian; the laws,

laws, customs, usages, and consular jurisdiction of different countries, and a general understanding of the qualities of goods.

Merchants dealing in a particular article, or to a particular place, may carry on business with a more limited degree of information; but then such merchants are expected to understand more precisely and particularly the quality of the articles, and nature of the trade in which they are concerned. In all businesses, professions, and arts, it is well to be equally informed with others against whom one has to come in competition; and as information is regulated by talents and industry, the same quantity of which will make greater progress if limited in its object than if widely extended, the limited merchant, therefore, should be acquainted with every quality of the article in which he deals, and with all circumstances relative to that branch of trade in which he is concerned.

A continual attention to the variation of the prices of articles is necessary to every merchant, and nothing tends so much to success as being clear and concise in making bargains, so as to avoid law, which consumes both the time and fortune of a man, and diverts his attention from his ordinary affairs. In giving credit there should be caution without mistrust; and when debts are contracted by those who become embarrassed about the payment, it is often of great importance to be indulgent without negligence, and firm without rigour.

The business of a merchant is rendered less difficult in London than in any part, perhaps, in the world. Brokers manage the negotiations of exchange, shipping, insurance, &c. &c.; in these details a general understanding and attention to the whole, together with punctuality, integrity, and sound judgment form the complete merchant.

The law of England pays a very particular regard to foreign merchants. By 14 Ed. III. stat. 2. c. 2, all merchants (except enemies) may safely come into England with their goods and merchandise, and merchant strangers may come into this realm and depart at their pleasure; and they are to be friendly entertained, and merchants alien shall be used in this kingdom as denizens are in others. St. 5 H. IV. c. 7.

By 27 Ed. III. stat. 1. c. 2, and 38 Ed. III. stat. 1. c. 2, if a difference arise between the king and any fo-

reign state, alien merchants are to have 40 days notice, or longer time, to sell their effects and leave the kingdom; and any merchant may deal in more merchandises than one, and may buy, sell, and transport all kinds of merchandise. See *Chartered Companies*.

**MESSENGERS, STATE**, are the bearers between sovereigns and ministers of whatever they wish to convey with dispatch. Every state grants, in time of peace, a full and entire inviolability to the persons of messengers, as well as to the dispatches of which they are bearers, whether they be sent to its own court, or are on the road to some other court; but in order to this, they must announce themselves as such, and produce, if required, the necessary passports. They are also granted an exemption from imposts, and from being searched, so long as they do not abuse this favour. In time of war their inviolability is not much respected. Belligerent powers often take the liberty of seizing the messengers of their enemies or their allies. Sometimes it is agreed to grant them passports, and this is not unfrequently one of the first acts of a negotiation for peace.

**MEXICO**, a Spanish province in South America, which was found, on its first discovery, to be the most powerful and civilized of any in the New World. Its length from north to south is about 200 miles, and its breadth 60; but it is much better cultivated and peopled than any other portion of that continent. The history of Mexico is the most interesting of any of the newly discovered countries, and its natural history is inferior to none.

Gold, silver, tin, copper, and iron are found there; cochineal is produced and exported in great quantities. The cocoa tree, orange and lemon rise to great perfection there; and the cedar and fir are there found of a size superior to any in the world. The trees producing liquid amber and liquid borax grow also to a great size. The species of raisin from which copal is made is also found, and silk is produced in great quantities. It is, on the whole, an admirable country, but the Spaniards are its masters.

**MINES**. All mines of gold and silver belong to the king by virtue of his prerogative. But by stat. 5 W. and M. c. 6, persons having mines of copper, tin, lead, &c. shall enjoy the same, although claimed to be royal mines. By stat. 9 G. III. c. 29, wilfully and maliciously

maliciously burning and destroying any engine or other machines belonging to any mine is made single felony, and subjects the offender to transportation for seven years.

If a man opens a mine in his land, and digs till he digs under the soil of another, he may follow his mine there; but if the owner digs there, he may stop his further progress. 2 *Ventr.* 342.

**MINORCA**, an island in the Mediterranean Sea; between the 39th and 40th degree of north latitude, about as large as the county of Bedford; it does not produce much, and its whole exports are not supposed to amount to 20,000*l.* year. As a place in the Mediterranean for the refitting of ships, it is, however, of importance, and Port Mahon is the best harbour in the Mediterranean. This port is well provided with every thing fit for the repairing, careening, and refitting ships, from the smallest to the largest size.

**MINT.** See *Money, Coins.*

**MISSISSIPPI**, or the river St. Louis, is one of the largest and longest in the world. To the western countries of North America it is of the highest importance. It falls into the gulph of Florida, after having received into its main stream rivers that water the finest and fairest portion of all North America. The French are said to have now got possession of Florida, through which this great river passes before it falls into the gulph. It was till lately in possession of the Spaniards; and by the treaty made at the end of the American war, the passage was to be left free for the United States; but this subject has never been finally adjusted. It has been the cause of great uneasiness to the Americans; and probably the time is not far distant when the United States will either by negotiation or force become masters of this very important situation. See *United States.*

**MISTAKE**, is an error arising through misapprehension or neglect. Any party who is injured through the negligence or mistake of the person employed by him is entitled to an action, and will recover proportionate damages. If money be paid by mistake, or upon a consideration which happens to fail, or if money be obtained by imposition (express or implied), or extortion, or oppression, or through any undue ad-

vantage taken of the plaintiff's situation, such money may be recovered back.

**MODENA**, a town of Italy, which gave name to the dutchy of that name. Its commerce is similar to that of Boulogne: its manufactures are stuffs of various sorts, silks, and velvets.

**MOORINGS.** By stat. 10 Anne, c. 17. s. 21, if any ship not of the navy shall fasten to the queen's moorings, the captain or person having the command of such vessel, shall forfeit 1*0l.* for every tide he stays, unless necessitated so to do by want of tide, stress of weather, or other unavoidable accident; and by the 23d section of this act, neglecting to unloose upon notice for 24 hours, her majesty's officer may unloose such ship from her moorings.

**MONEY**, is a material representing a fixed and certain value, generally made of metal, struck with a peculiar mark, indicating its weight, fineness, and the value for which it passes.

From the earliest periods of history we learn, that the precious metals had been used as a common measure of value, or as an equivalent for every thing alienable.

Metals are better adapted for the purpose of money than any other material with which we are acquainted. When metals are pure, their weight is exactly proportioned to their bulk, or, in other words, their specific gravities are equal.

Gold or silver, wherever they are found, when purified, are exactly the same in every respect, and there is not any possible mode of discovering a difference. It follows, that of pure metals, similar as they are, the alloys or mixtures made in equal quantities will also be similar.

Copper, a metal inferior to gold and silver in its qualities, has, however, been found sufficiently perfect to answer the purposes of money, both pure and as an alloy or mixture, to render gold and silver harder, and more fit for the purpose of money than when in a pure state.

All other monies, such as paper money, have a reference to the metallic money, distinguished by the name of coin, and may be called representative money, in contradistinction to the coin, which is termed real.

The value for which a piece of money passes current

rent is and ought to be regulated by the labour with which it is obtained in a pure state, that is to say, a guinea in gold should be just equal to the price at which the same weight of gold of an equal fineness sells; it is then said to be of intrinsic value, and there can be no advantage or loss in melting it down.

In respect to coined money the great object is to make it of intrinsic value, and if that purpose could always be attained, it would be an accurate measure of value; but the possibility of that is destroyed, by the necessity of making use of or employing both gold and silver at one time, the variations in the value of which do not keep pace with each other: for instance, gold has not for the last 20 years varied in price above seven or at least eight per cent., while silver has varied, during the same period, nearly 20 per cent. from its highest to its lowest value. And as in some countries all great payments are made in silver (as in France), in others in gold (as in England), there is a degree of inaccuracy existing almost perpetually, which gives rise to a variation in the rate of exchange, besides occasioning inconveniences of a very serious nature on particular occasions.

Money has acted so essential a part in the world, that its history is far too extensive to be admitted in this work. Its theory is also too complicated to obtain a place in a work of which to be practically useful in mercantile affairs is the chief intention. It is out of the question to enter into the details of the former or the arcana of the latter; yet in order to give a proper and general understanding of the subject, it is necessary to enter a little upon both.

When the precious metals were first discovered at a very early period to be the best measure of value, they were weighed, and estimated according to their weight, which is even to the present day the fundamental principle of the monied system. An ingot of gold or silver will, at this moment (its fineness being ascertained), serve as money in any civilized country in the world, without any mark, or the assistance of coining, to give it value.

It is evident that, for the sake of division, and in order to avoid those errors which may arise from the baseness of quality, a stamp, that might serve to ascertain both at once, was a facility to all transactions where a medium of circulation was wanted; it

therefore became a business to have ready prepared pieces of gold and silver, stamped with a figure, indicating both weight and quality.

This improvement soon led to another, demanding a general regulation, to prevent the inconvenience that arose from a variety of sizes and qualities, and also to make certain of the fidelity of the person striking the mark. The sovereign of the country took this, as he did other matters of justice and regulation, upon himself; and, after a vast variety of marks adopted by different people, that of the reigning sovereign has been generally used; a custom first introduced by the Roman emperors, and since followed by all civilized nations, Mahomedans excepted.

The most ancient English coin is reckoned by Camden to be that of Ethelbert, king of Kent, who was the first christian king in Britain, during whose reign accounts began to be kept in *pounds, shillings, pence, and mancusæ*.

The coining of money having become a privilege of the kings, they granted the right of doing the same to favourites or other persons. During the Saxon race of kings there was a mint in every considerable town in England, and no less than eight in London alone.

In the time of Richard the First, money coined in the eastern parts of Germany, coming into repute on account of its purity, was called *easterling money*; and persons skilled in that art being brought to England struck money, which was named after them *easterling*, now *sterling*.

In some cases the sovereign has drawn a revenue from striking coin of an inferior intrinsic value to its nominal one at which it passes current. On other occasions, when money has been above its current value, individuals have gained money by melting it down, and converting it into bullion: in either of which cases great disorder and inconvenience have resulted.

When the Bank of England was first established, the standard of the gold coin was such as to afford a profit to those who melted it down; and great expence was annually incurred, in order to keep up the necessary quantity of guineas for circulation. The great Sir Isaac Newton was then employed as master



of the mint, to regulate the standard of the gold and silver, which he did in such a manner as to remedy the evil complained of at the time.

The silver coin of this kingdom is at present in a very degraded state, most of the shillings being not worth above 9d., and of the sixpences 2½d. or at most 3d. This gives great room for counterfaction; for provided the metal is of nearly the quality it ought to be, the quantity is never considered; nor are such pieces in common affairs considered as bad, though far under their value.

Were shillings coined according to the appointed standards they would afford a profit at this time to melt down; consequently till the standard is altered we cannot expect to see mint silver in circulation in any great quantity. There appears to be a strange reluctance to enter into the investigation of this subject, which, however, if properly attended to, would produce great advantage to the country. As great payments are not made in this country in silver, which only serves for change, it is not necessary that it should be made to the standard, as in France and other countries. It would then be wise to make a coinage sufficiently under value (intrinsic) as to pay the expence, and prevent any disposition to melt down, at the same time that it would not afford profit enough to induce counterfaction.

Much has been written on the degradation of coin, but the theory only applies strictly to that species in which bills of exchange or large payments are made, not to those pieces which only serve for change. Of this the state of our present silver coinage is itself a better proof than all the arguments that can be brought forward; for if the exchange with foreign nations, or the price of bullion, was to be reckoned according to the intrinsic value of our silver coin, it would rise at least 25 per cent. The fact is, that such money is little else than counters representing fractions of the gold coin of the kingdom; whereas the gold coin is that with which a balance due to foreign merchants is paid, and therefore with them passes only according to its intrinsic value. For the different sorts of metallic money in use, and their relative values, see the article *Coins*.

The copper coinage of this kingdom was in the most wretched and disorderly state, but by a new coinage, executed by Mr. Bolton, at Birmingham, for

government, in a way that renders counterfaction both difficult and unprofitable.

Paper money has been a term that has lately crept into use, though it is certainly inaccurate and improper, as whatever form a paper circulating medium may assume, it is nothing more than a promise or engagement to pay a certain sum of metallic money, or a certain value, which is measured by metallic money, which still remains the standard, and paper is only its representative.

Though the uses of money are so various, and occur so frequently, that convenience of form, weight, and divisibility are essential, in order that it may always apply to the occasion, as well as admitting of being transported from one country to another without any very great expence, yet all articles of real and general utility have been occasionally substituted for money. It was customary in the 15th and 16th centuries to vote a certain number of sacks of wool for the supplies to carry on the wars; and the crown of Queen Philippa, which had been pawned at Cologne for 2500l. was redeemed by sending over 334½ sacks of wool.

The laws and regulations in this country are as under, relative to metallic money or coin.

Any person to whom silver shall be tendered, any piece whereof shall be diminished, otherwise than by reasonable wearing, or that he shall suspect to be counterfeit, he may cut or deface it; and if counterfeit, the person tendering shall bear the loss: but if lawful money, the person cutting it shall receive it at the rate it was coined for; and if doubt shall arise whether it be counterfeit, the next justice or chief magistrate in a corporation shall determine.

By stat. 13 G. III. c. 71, the same regulations respecting gold coin.

When a person has accepted of money in payment from another, and put the same into his purse, it is at his peril after such acceptance, and he shall not take exception to it as bad, notwithstanding he presently reviews it.

The stat. 15 and 16 G. II. c. 28, imposes heavy penalties on persons uttering or tendering in payment any counterfeit coin, knowing it to be so, and upon persons who knowingly tender in payment any counterfeit money, and who, at the same time, have more in their custody, or who shall,

within 10 days after, knowingly tender any false money.

By the 14 G. III. c. 42, no tender of payment in silver money, exceeding 25l. at one time, is a sufficient tender in law for more than its value by weight, at 5s. 2d. per ounce.

Only silver and gold coin are proper coin in England; brass or copper are not within this denomination. *Hale's P. C.* 195; and no person is obliged to take in payment any money which is not lawful metal, that is, of silver and gold, *Inst.* 577; except for sums under 6d. *Ibid.*

It is said a payment in farthings is not a good payment. 2 *Inst.* 517.

Where goods are delivered under an agreement to take a specific parcel of copper money in payment, a delivery of such copper money will be a good bar to an action for the value of the goods, though in fact it was counterfeit money. 1 *T. R.* 225.

If a man furnishes goods in consideration of counterfeit money to be paid him, and he afterwards refuses to take it, he cannot recover in an action the value of the goods delivered. 1 *T. R.* 226.

**MONTSERRAT**, is a very small but pleasant island.

It lies in west longitude 61 deg. 0 min. north latitude 16 deg. 15 min. having Antigua to the north-east, St. Christopher and Nevis to the north-west, and Guadaloupe lying south-south-east, at the distance of about nine leagues; about nine miles in extent every way, 27 in circumference, and is supposed to contain about 40 or 50,000 acres. The climate is warm, but esteemed very healthy. The product is cotton, rum, and sugar: there is no good harbour, but three tolerable roads, at Plymouth, Old Harbour, and Ker's Bay, where they ship the produce of the island. The exports from this island to Great Britain, upon an average, have been for some years past 180 bags of cotton, 800 hogsheads of rum; to Ireland 140 hogsheads of rum, 4400 hogsheads, 240 tierces, 220 barrels of sugar; the exports to North America are also considerable, in return for which they receive lumber, cattle, and provisions. The number of inhabitants consists of between 12 and 1300 whites, and about 9000 blacks.

**MONTREAL**, an island in the great river St. Lawrence in North America, about 20 miles in length, and nine in breadth. The city of this name on the island is

next to Quebec in extent. The fur trade there is considerable, and vessels of 200 tons burthen can sail up the harbour.

**MONTH**, is a space of time comprising the *twelfth part* of a year. Months are of two kinds, *calendar* or *lunar*. The former consists sometimes of *thirty*, and sometimes *thirty-one* days; the latter uniformly consists of *twenty-eight* days. A month in law is a lunar month, or twenty-eight days, unless otherwise expressed: a lease therefore for *twelve months* is only for forty-eight weeks.

If an agreement be to pay 50s. for the interest of 100l. at the end of *six months*, the computation must be by calendar months, because if it were by lunar months, the interest would exceed the interest allowed by the statute.

In bills of exchange or promissory notes a month is always a calendar month: thus if a bill or note is dated on the 10th of January, and made payable one month after date, it is due, with the addition of the three days of grace, on the 13th of February. See *Bills of Exchange*.

**MONOPOLIES**. See *Patents*, *Regrating*, *Forestalling*. **MOROCCO**, a Mahomedan state, nearly about the size of Britain, on the north coast of Africa, and southern border of the Mediterranean Sea. It carries on a trade by means of caravans to Mecca, whence they bring silk, muslin, and drugs in exchange for woollen cloths, leather, indigo, cochineal, and other articles. Mahomedan nations, in general, neglect commerce and manufactures; and in this respect the inhabitants of Morocco differ nowise from others: it is therefore a country of very little importance to the commercial world.

**MOSQUITO COUNTRY**, in America, extends from 13 deg. to 15 deg. north latitude, and from 85 to 88 deg. west lon. and is contiguous to Honduras. The natives of that country are very much attached to the English, and never acknowledge their new king till he is approved of by the governor of Jamaica. It is probable that if the Honduras cutting of logwood is put a stop to, some valuable plantations may be formed on this part of the coast.

**MUM**. See *Excise*.

**MUSTER ROLL**. See *Ships Papers*.

**MUSLIN**. See *Customs*, *Excise*.

**MUTUAL DEBTS**. See *Bankruptcy*.

**N**APLES, a kingdom of Italy, bounded on all sides by the Mediterranean and Adriatic, except on the north, where it terminates on the ecclesiastical state. The city of Naples stands in the bosom of the bay, which is one of the finest in the world. Notwithstanding the lazy disposition of the inhabitants, there are nevertheless some flourishing manufactures, particularly of silk stockings, soap, snuff boxes of tortoiseshell, and the lava of Mount Vesuvius, tables, and ornamental furniture of marble. Fruits, the product of all such fine climates, are also exported in considerable quantities. Sicily, formerly the corn granary of Italy, is under the same crown, but is not so well cultivated as formerly.

**NATIONAL DEBT.** See *Funds*.

**NATURALIZATION** cannot be performed but by act of the legislature, by which an alien is put exactly in the same state as if he had been born in the king's allegiance, except only by 12 Will. III. c. 11, that he is incapable, as well as a denizen, of being a member of the privy council or parliament, holding offices, &c. And by stat 1 Geo. I. c. 4, no bill of naturalization can be received in either house of parliament, without such disabling clause. And by stat. 14 Geo. III. c. 84, no person shall hereafter be naturalized, unless in the bill exhibited for that purpose there shall be a clause or proviso inserted, to declare that such person shall not thereby obtain or become intitled to claim within any foreign country, any of the immunities or indulgences in trade, which are or may be enjoyed or claimed therein by natural-born British subjects, by virtue of any treaty or otherwise, unless such person shall have inhabited and resided within Great-Britain, or the dominions thereunto belonging, for the space of seven years subsequent to the first day of the session of parliament in which the said bill of naturalization shall have passed, and shall not have been absent out of the same for a longer space than two months at any one time during the said seven years; and that no bill for naturalization

can be received in either house of parliament, neither can any person be naturalized, or restored in blood, unless he hath received the sacrament within one month previous to the introduction of the bill; and unless he also takes the oath of allegiance and supremacy in the presence of parliament. These provisions have been generally dispensed with by special acts of parliament. By 13 Geo. II. c. 3, every foreign seaman, who in time of war serves two years on board an English ship, is absolutely naturalized; and also by the same act, c. 7, 20 Geo. II. c. 44. 22 Geo. II. c. 45. 2 Geo. III. c. 25, and 20 Geo. III. c. 20, all foreign Protestants and Jews, upon their residing seven years in any of the American colonies, without being absent above two years at a time, and all foreign Protestants, serving two years in a military capacity there, or being three years employed in the whale fishery, without afterwards absenting themselves from the king's dominions for more than one year, and none of them falling within the capacities declared by 4 Geo. II. c. 21. See *Aliens, Denizens, Navigation*.

**NAVAL STORES.** See *Stores*.

**NAVIGATION AND PLANTATIONS.** This important head, which branches out into a variety of others, may be considered as one of the most important divisions of commercial law, connected as it is with the customs, excise, and every article of import and export, and modified or relaxed by various privileges occasionally granted to foreigners, or with the exceptions relative to particular articles permitted or restrictively regulated by orders of council. It is not without considerable difficulty that a perspicuous view of all the articles contained in the comprehensive term Navigation, which includes the whole commercial intercourse between Great-Britain and other parts of the globe, can be presented so as to convey a distinct and adequate view of those subjects abstractedly as parts, and at the same time as collectively, constituting the vast and important system of British commerce.

**commerce.** The general principles of the navigation laws will, therefore, only be here attempted, referring for the particular exceptions with respect to persons, places, or produce, to the heads referred to at the end of this article, where they will be found more copiously detailed, and at the same time more appropriately classed.

The present navigation laws, to which Great-Britain owes so much of her commercial consequence, originated in an act passed in 1650, by the commonwealth parliament, which prohibited all ships of foreign nations from trading with any English plantations, without licence from the council of state. This prohibition was in the following year extended to the mother-country, and no goods were allowed to be imported into England, or any of its dependencies, except in English bottoms, or in the ships of that nation of the growth or manufacture of which the imported merchandize consisted. On the restoration, a variety of acts were passed (12 C. II. c. 18 13 C. II. c. 14), continuing and improving the regulations made in the act of the commonwealth, and some important improvements have been made in the reign of his present majesty (23 Geo. III. c. 60, and 27 Geo. III. c. 19); which acts taken together, justly insure to Great-Britain the monopoly of the trade of the country, in some cases by absolute prohibition, and in others by heavy duties on foreign ships. The leading features of these acts are,

1. Prohibiting all ships and vessels, of which the owners, masters, and three-fourths of the mariners, are not British subjects, from trading to the British settlements and plantations, or being employed in the coasting-trade of Great-Britain.

2. Allowing a variety of the most bulky articles to be exported either in such ships as are above mentioned, or in ships of the country where the commodities are produced, and of which the master and three-fourths of the mariners are of that particular country.

3. A number of the most bulky articles of importation, such as masts, timber, boards, foreign salt, pitch, tar, rosin, hemp, &c. are prohibited, even in British ships, from any country, except that of which they are the growth and production, on pain of forfeiting the ship and cargo.

4. Salt-fish, usually fished for and caught by Englishmen, and whalebone blubber not caught by British ships, were liable to double aliens' duty on exportation.

By 12 Car. II. c. 18. s. 7, where any ease, abatement, or privilege is given in the book of rates, to goods or commodities imported or exported in British built shipping, it is always to be understood that such ships are to be navigated with a master and three-fourths of the sailors English, during the whole voyage, unless in case of sickness, death, or being taken prisoners, to be proved by the master or other chief officer of such ship. S. 7.

No commodities of the growth or manufacture of Russia, or any masts, timber, or boards, foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oils, nor any sort of corn or grain, sugar, potashes, wines, vinegar, or spirits, shall be imported into Great Britain in any ships except British, and navigated as before mentioned; and no currants, nor any other commodities, of the growth or manufacture of Turkey, shall be imported but in British built ships, except only such foreign ships as are of the built of that country or place of which the said goods are the growth or manufacture, or of such port where such goods are usually shipped, and whereof the master and at least three-fourths of the seamen are of the said country or place, under forfeiture of ship and goods. S. 8.

All wines of the growth of France or Germany, imported into any part of Great Britain in any other but British ships, and navigated with British mariners, shall be deemed aliens' goods, and pay customs accordingly. And all sorts of masts, timber, &c. as also foreign salt, pitch, tar, &c. &c. wines of the growth of Spain, the Canaries, Portugal, Madeira, or Western Islands, and all goods of the growth and manufacture of Muscovy, imported into Great Britain in other than British ships, and so navigated, and all currants and Turkey commodities, shall be deemed aliens' goods, and pay accordingly. S. 9.

Nothing in this act shall extend to restrain or prohibit the importation of any of the commodities of the Straits or Levant Seas, in English ships, whereof the master, and at least three-fourths of the mariners,



are English, from the usual ports or places for lading of them heretofore, though the commodities be not of the growth of such places. S. 12. But by stat. 6 Geo. I. c. 14, this proviso is repealed, as to the importation of raw silk and mohair yarn, the growth of Asia, except as to places in the Straits or Levant under the dominion of the Grand Seigneur.

This act not to extend to restrain the importation of any East-India commodities, in English ships navigated as aforesaid, from the usual places for lading them, in any part of those seas to the southward and eastward of the Cape of Good Hope, although the said ports be not the very places of their growth. S. 13.

British subjects may import in British built ships, navigated by a master and three-fourths English seamen, all sorts of goods and commodities of the growth or manufacture of Spain, Portugal, the Azores, Madeira, or Canary islands. S. 14.

This act not to extend to bullion, nor yet to any goods taken, or that shall be *bona fide* taken, by way of reprisal by any English ship navigated as before mentioned, and having a commission from his majesty. S. 15.

This act not to extend to impose any aliens' duty upon any corn of the growth of Scotland, or any salt made there, or any fish caught and cured by the people of that kingdom, and imported thither directly in Scotch built vessels, whereof the master and three-fourths of the mariners are his majesty's subjects; nor to any seal oil of Russia, imported thence into England, Ireland, &c. in shipping thereunto belonging, and navigated as abovementioned. Every vessel belonging to any French subject, which shall come into England, Ireland, &c. and there load and unload goods, or take in or send on shore any passengers, shall pay to the collector of the customs in such port for every ton of the ship's burthen, to be computed by the officer thereunto appointed, the sum of 5s. and no such ship to be suffered to depart out of such port &c. until the said duty be fully paid. S. 16.

No sugars, tobacco, rice, molasses, copper ore, cotton, wool, indigo, ginger, fustick, or other dying wood, of the growth or manufacture of any English plantations in America, Asia, or Africa, shall be carried from any of these places to any place whatsoever,

except to other English plantations, or to Great-Britain, under forfeiture of ship and goods. S. 18.

And for every ship which shall set out from England, Ireland, &c. for any English plantation, sufficient bond shall be given, with due surety, to the chief officers of the customs of the port from whence she sails, to the value of 1000l. if the ship is of less burthen than one hundred tons, and 2000l. if greater burthen; that in case the ship shall load any of the said commodities at any of the English plantations, they shall be brought by the said ship to some port in Great-Britain, to be there unloaded, the danger of the seas only excepted. And the governor of such plantation shall, before the ship be permitted to load any of the commodities, take bond in the manner and value aforesaid, that such ship shall carry the goods to some other English plantation, or to Great-Britain; and every ship which shall load any of the aforesaid goods, until such bond be given to the governor, or certificate produced from the officers of any custom-house in England, &c. that such bonds have been there duly given, shall be forfeited; and the said governor shall, twice in every year, return true copies of all such bonds to the chief officer of the customs in London. S. 19.

This last section is confirmed and improved by 23 Car. II. c. 26, s. 11, 3 and 4 Ann. c. 5. s. 12, and 8 G. I. c. 8. s. 22.

By 22 and 23 Car. II. c. 26. s. 12, the governors of plantations, &c. are directed to return true copies of bonds to the chief officer of the customs in London once every year.

By 25 Car. II. c. 7. s. 1, foreigners resident in England may, during their residence, trade to Greenland, Newfoundland, &c. and import oil, blubber, and whale fins, free of duty.

Any ship or vessel which by law may trade to the British plantations, taking in goods in any of them without first giving bond that such goods shall be brought to Great Britain, and no other place, the goods so put on board shall be liable to certain duties therein enumerated. S. 2.

Goods not to be imported or exported to or from the plantations but in ships built in Great Britain, or the plantations, owned by British subjects, and having the master and three-fourths of the crew of the

said.

said places (except prizes navigated in the same manner), under forfeiture of ship and goods, one-third to the king, one-third to the governor, and the other to the informer. S. 3.

By 7 and 8 W. III. c. 22. s. 6, all ships coming into or going out of the plantations are liable to the same rules, visitations, searches, penalties, and forfeitures, as ships in England, &c.; and the officers of the revenue there shall have the same power and authority to search ships, take their entries, and to seize prohibited goods, as officers of the customs in England. Wharfingers, owners of keys and wharfs, or any lightermen, burghermen, watermen, porters, or other persons, conveying or concealing any prohibited goods, or rescuing them, or hindering or resisting any officers in their duty, shall be subject to the like penalties as are provided in relation to prohibited and uncustomed goods in this kingdom, and the like assistance shall be given to the officers in execution of their duty as provided by 23 and 24 Car. II. c. 22; and the officers subject to the same penalties for any corruption, fraud, connivance, &c. as the officers of the customs in England.

Though the duties are paid in the plantations for goods, yet they shall not be shipped until security be given as required by 12 Car. II. c. 18, and 22 and 23 Car. II. c. 26, that the goods shall be carried to Great Britain, or to some other British plantation, under forfeiture of ship and goods. S. 8.

All laws, bye-laws, &c. in the plantations, which are in any ways repugnant to this present act, so far as they relate to the plantations, are null and void. S. 9.

Where the governors, or officers appointed by the commissioners of the customs in the plantations, shall have reasonable ground to suspect that the certificates of having given security in England are false or counterfeit, the governor or the said officers shall take a sufficient security there for the discharge of the plantation lading in England, which security is not to be cancelled until they shall be informed from the commissioners of the customs in England that the said certificate is true; and any persons counterfeiting, razing, or falsifying any coquet, certificate, return, or permit, or knowingly making use thereof, shall forfeit 500*l*. S. 10.

Upon any actions, suits, and informations, brought in the said plantations, concerning any duties, or ships or goods to be forfeited, there shall not be any jury but of such only as are natives of England or Ireland, or are born in his majesty's plantations; and the offence may be laid in any colony, province, &c. &c. in the said plantations, at the pleasure of the officer or informer. S. 11.

Sureties in bonds given or taken in plantations to be persons of known residence and ability in the said plantations: and the condition of the bonds shall be within eighteen months after the date thereof (danger of the seas excepted) to produce certificate of having landed and discharged the goods therein mentioned in one of his majesty's plantations, or in England, otherwise such bond, or copies thereof, attested under the hand and seal of the governor or commander in chief to whom such bonds were given, shall be in force, and allowed of in any court in England, Ireland, or the plantations, as if the original had been produced. S. 13.

By 11 and 12 W. III. c. 24, and 1 G. I. c. 18, all fish, except stock fish, live eels, anchovies, sturgeon, botargo, or caviar, taken and imported in foreign ships, such ships shall be forfeited; but lobsters and turbot may be imported by foreigners.

By 15 G. II. c. 31, all plantation bonds entered into in England shall be with condition, that within eighteen months from the date thereof (the dangers of the seas excepted) a certificate shall be produced from the collector and comptroller of the port where the goods shall be delivered, that they have been there landed and discharged, otherwise such bonds will be forfeited, and may be sued for in his majesty's court of exchequer in England, Scotland, or Ireland.

By 19 G. II. c. 30, no seaman or other persons (unless deserters from king's ships) in privateers or trading ships, in the plantations, to be impressed in any of the ports, or at sea, in those parts, by any officers belonging to his majesty's ships of war, under penalty of paying 5*0*l**. to the master or owners of such ships for every man such officer shall impress, to be recovered with full costs of suit in any part of the king's dominions. S. 1.

Masters of trading ships and packet boats going to the plantations, shall be obliged (at the desire of any king's

king's officers thereunto lawfully authorized, and at the charges of his majesty) to receive on board any number of mariners, seamen, or other persons entered into his majesty's sea service (over and above the usual complement of seamen belonging to such trading ship), and carry them to the port to which she is bound, not exceeding in proportion of one-fifth part of the complement, on pain of forfeiting 5*l.* for every man refused to be taken on board, or, after having received on board, willingly permitting and suffering them to escape. S. 5.

Masters of trading ships are to sign acknowledgments of having received such men, and to produce a

certificate that such men have been received, upon which they are entitled to receive 6*d.* per day for such men. S. 6.

In case of any threatened or actual invasion of any colony, or other unforeseen necessity, commanders of men of war may impress seamen, with consent of the governor and commander in chief, and council of the colony. S. 7.

By 6 G. III. c. 52. s. 30, and 7 G. III. c. 2, bonds to be given in the ports of America for landing in Great Britain or Ireland enumerated as well as non-enumerated goods, under penalty of forfeiting ship and goods.

*General View of the NAVIGATION LAWS, which regulate Commercial Intercourse between Europe, Asia, Africa, and America.*

EUROPE.

*Rules.*

By 12 Car. II. and 27 Geo. III. no goods or commodities, being the growth, product, or manufacture of Muscovy, or of any territory belonging to the emperor of Russia, nor any sort of masts, timber, or boards, foreign salt, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive oils, corn or grain, sugar, pot-ashes, wines, vinegar, or spirits called aqua vitæ or brandy wine (being the growth, product or manufacture of Europe), may be imported, *except in British built ships*, or in British ships owned by British subjects, or of ships of the built of any country in Europe belonging to the sovereign of that European country of which the goods are the product, or of the usual ports of shipping them for transportation, all legally navigated.

By stat. 13 and 14 Car. II. c. 11, 1 Ann. stat. 1. c. 12, 6 G. I. c. 15, 22 G. III. c. 78. s. 2, and 27 G. III. c. 19. s. 10, no sort of wine (except Rhenish), nor any kind of spicery, grocery, tobacco, pot-ashes, pitch, tar, salt, rosin, deal boards, fir timber, or olive oil, may be imported from the Netherlands or Germany.

*Exceptions.*

By stat. 12 Car. II. c. 18. s. 15, *bullion and prize goods*, and all other goods and commodities of the growth, produce, or manufacture of Europe (not being absolutely prohibited to be imported, nor specified in the regulations), may be imported in any description of ships, however owned or navigated.

*Prize ships and certain ships belonging to foreigners employed in the fisheries*, may be registered although not British built.

*Except by 6 G. I. c. 15, Ann. st. 1. c. 12, 22 G. III. c. 78, and 27 G. III. c. 19, fir timber, fir planks, masts, and deal boards* the produce of Germany, may (by the above acts) be imported from any place in Germany by British ships legally navigated. *Wine the growth of Hungary may be imported from Ham-burgh; and wines from Hungary, the Austrian Netherlands, or from any place subject to the emperor of Germany, or house of Austria, in any such ship as described by the first regulation with respect to Europe.*

By 1 G. I. st. 2. c. 18, lobsters and turbot may be imported by foreigners. For other particular exceptions see *Fisheries*.

ASIA.

Goods, wares, and merchandizes the produce of Asia, are importable only in British built ships, or in

This general rule is relaxed with respect to some particular articles, as *bullion, diamonds, eccubineals, oil of mace,*

## Rules.

in British ships owned by British subjects, legally navigated from the place of their growth, production, or manufacture, or from the usual ports of shipping them for transportation; and if manufactured in foreign parts, they may not be imported, unless they shall have been so manufactured in the country or place of which the goods are the growth and product, under forfeiture of goods and vessel.

## Exceptions.

*mace, corn, maize, &c.* : it is also modified with respect to the *American States, Azores, Canaries, East Indies, Madagascars, Morocco, Persia, Plantations, Portugal, Russia, Spain, Straits, Turkey, Quebec, &c.* See these articles under the respective heads in *Importation*.

By 37 G. III. c. 117, ships belonging to states in amity with Great Britain, may import and export to and from the British possessions such goods, &c. as shall be permitted by the East India directors, and thus to continue during the company's exclusive trade.

## AFRICA.

The Rules and Exceptions are similar to those of Asia.

## AMERICA.

Same as Asia and Africa, except American states.

By the 12 Car. II. c. 18, confirmed by 13 Car. II. c. 14, no goods or commodities shall be exported or imported from or to any of the British colonies in Asia, Africa, or America, but in vessels which truly belong to the people of England, Ireland, Wales, or Berwick upon Tweed, and navigated *with a master and three-fourths British sailors*, under the penalty of forfeiting ship and cargo.

*Exceptions with respect to Persons.* By 34 G. III. c. 7, *foreign seamen* serving on board any of his majesty's ships of war for the space of three years, taking the oaths of allegiance, may be employed as British seamen.

By 35 G. III. c. 56, subjects of the United Provinces, employed in the fisheries, are also entitled to the privilege of British seamen.

By 33 G. III. c. 26, ships and vessels employed in the coasting trade shall be navigated by *master and mariners all British seamen*.

By the acts of union, Scotch and Irish subjects shall be deemed British seamen.

For a particular enumeration of the exceptions to the navigation laws, see *Exports, Fisheries, Imports, Register of Ships, Treaties*.

NAVIGABLE CANALS. Canals for inland naviga-

By 7 Ann. c. 8. s. 12, and 1 G. I. stat. 2. c. 18. s. 10, *jesuits bark, sarsaparilla, balsam of Peru, Tolu*, and all other American drugs, may be imported from any of the American plantations, though not the place of their growth.

tion, though at first much opposed, as tending to injure the coasting trade, the great depôt for our navy, and also to destroy much of the land through which they pass, are now universally allowed to be of great utility; they facilitate the communication from one part of the country to another, reduce the price of carriage, and enable the farmer and manufacturer to send their goods cheaper to market.

We shall not occupy the time of the reader by a detail of the ancient canals of Egypt, the great royal canal of China, or the numerous canals of Holland, France, Russia, and Sweden, but proceed to give a concise account of inland navigation in Great Britain.

The duke of Bridgewater set the example of these useful works. Mr. James Brindley, one of those wonderful men of genius which seldom appear, formed a plan,



a plan, by means of canals, to unite the four great rivers of England, the Thames, Trent, Mersey, and Severn, on which stand the four great ports of the kingdom, London, Bristol, Liverpool, and Hull. This was by the many treated as chimerical. The duke of Bridgewater, however, having the judgment and discernment to discover at once the practicability and great national benefit of this plan, resolved himself to begin the work of inland navigation.

The duke had at Worsley, about seven miles from Manchester, a large estate, rich in coal, but which had been of no value, as the expence of land carriage would have rendered them too dear for the market. On consulting Mr. Brinlley, that gentleman surveyed the ground, and declared a canal to be practicable. His grace therefore resolved to effect his plan, and thus they had jointly the honour and satisfaction of having first introduced canal navigation into this kingdom.

The plan being fixed on, the duke, in the year 1758, obtained an act of parliament to make a navigable canal from the township of Salford to or near Worsley-mill and Middlewood, and to a place called Hollen's-ferry, in the county of Lancaster. But after he had completed the canal to the highway between Warrington and Manchester, it was discovered that it would be more beneficial to carry it over the Irwell, and extend it to Longford-bridge. An act was accordingly obtained for that purpose. On a farther survey, it was discovered that it was practicable to extend the canal from Longford-bridge to a place on the river Mersey, called the Hempestones; a third act was obtained for that purpose. The whole navigation was then proceeded on and completed, being more than twenty-nine miles in length, and having at its fall into the Mersey locks which let boats down ninety-five feet, for it is so contrived as to be on a level the whole length to that place. To the hill where the coals are dug a subterraneous passage is cut large enough for the admission of flat-bottomed boats, which are towed by hand-rails. At the distance of three quarters of a mile from the entrance, the passage divides into two channels, which have been far extended, and may be carried farther at pleasure. In some places it is cut through the solid rock, and in others arched with brick. There are

several air tunnels cut through, near forty yards deep. The coals are brought to the boats in low carriages; and as the passage is on a descent, although they hold a ton each, they are easily drawn along by men on a rail-way to a stage over the canal, and then shot into the boats.

The canal is in some places carried over the roads on arches, and in those places where the arch is not high enough for carriages to pass, the road has been sunk at a great expence, for the convenience of the passage. But the most stupendous work on this canal is the bridge and aqueduct over the river Irwell. At Barton-bridge, three miles from the bason, is an aqueduct which conveys the canal over a valley for 200 yards, and over the navigable river Irwell, above forty feet higher than the level of the river. The canal is carried over the meadows on each side of the river Mersey, and over a place called Saltmoor, at an incredible expence.

The next canal undertaken in this kingdom was that between the Forth and Clyde, in Scotland, in order to make a communication between the east and west seas. A subscription to this purpose was made principally among the enterprising merchants of Glasgow; and an act having been passed for the purpose, the work was begun in 1768 by Mr. Smeaton the engineer. This work has now been completed several years, and been found not only highly beneficial to commerce and the country, but profitable to the subscribers. Its extreme length is 35 miles, rising and falling 160 feet, by means of 39 locks. Vessels drawing eight feet water, and not exceeding 19 feet beam, and 73 feet in length, pass with ease. There is a collateral branch which communicates with the city of Glasgow.

The Grand Trunk Canal, from the Trent to the Mersey was authorized by stat. 6 G. III. of which, as it has been made the model of the subsequent canal acts, we shall give a concise abridgment of the principal heads.

The preamble states the advantages which will arise from making the said canal, and it is enacted, that certain persons therein named shall be a body politic and corporate, by the name of the *Company of Proprietors for the Navigation from the Trent to the Mersey*; and authorizes them to cut a canal from

Wilder-ferry, in the county of Derby, to or near Aston, Weston, and Eggington, Burton, Wichnor, Haywood, Sanlon, Stoue, Truntham, Stoke, Newcastle, Harecastle, Lawton, Sandbach, Middlewich, Preston-brook, and Runcorn; with power to enter on any land, set off, dig, cut, and make the said canal, with the necessary towing-paths, bridges, tunnels, aqueducts, sluices, locks, rivers, reservoirs, &c. and to erect the necessary wharfs, quays, landing places, cranes, and other works, paying a reasonable compensation for damage. The usual powers to bodies politic are given, and commissioners appointed to settle differences. The proprietors are authorized to raise among themselves 130,000*l.* divided into 650 shares of 200*l.* each; every subscriber to have a vote for each share, and none to possess more than 20; by subsequent acts the farther sum of 194,250*l.* has been allowed to be raised. General meetings twice in the year; a committee of 21 to be chosen by the general meeting, to transact the business of the company. To destroy the works of the canal is declared felony; the person guilty to be transported for seven years. The company to take for carriage a sum not exceeding 1½*d.* per ton per mile, and a farther rate for wharfage of such goods as shall remain on the wharfs above 24 hours. Paving-stones, gravel, sand, and all materials for making roads (limestones excepted), dung, soil, marl, and other manure for land, exempted from any duty, provided the same be conveyed when the water flows over the weirs of the locks.

The duke of Bridgewater made an agreement with this company to be allowed to take a part of their line from Preston-brook, and thus was enabled to carry his navigable canal into the river Mersey below Runcorn-gap.

From the Grand Trunk there have been since, under the authority of acts of parliament, a variety of branches cut, as well as rail-ways.

A canal was, under 6 Geo. III. c. 97, and several subsequent acts, made from the river Severn to join the Trent and Mersey canal. The line of this canal is from a place called Stourport, to pass Mitten, near to Kidderminster, Wolverhampton, Penkridge, and Texall, to Haywood. This is called the Staffordshire and Worcester Canal.

An act passed 9 Geo. III. c. 53, for making a na-

vigable cut or canal from Birmingham to Bilston, and thence to join the Staffordshire and Worcester canal near Atherly; and both this and the preceding canal have amply recompensed the subscribers.

Nearly the same set of proprietors who had engaged in the Birmingham canal applied for an act to cut a canal from Birmingham to Fazely, and then to join the Coventry canal. These two canals were by a subsequent act of 21 G. III. united, under the title of the *Birmingham Canal Company*.

Another canal to communicate with these was planned, and an act passed in the 23 Geo. III. for making a canal from Wyrly-bank to communicate with the Birmingham and Fazely canal, near Wolverhampton, to which the title of Wyrly and Essington Canal was given; and this was afterwards extended, and they were empowered to join the Coventry canal near Huddersfield.

By Mr. Brindley's plan, all these northern canals were to communicate with a line of navigation to London, which was to be effected by two different companies; one to take the line from the Trent and Mersey canal at Frudley-heath to Coventry, and the other from Coventry to Oxford. Both the Coventry and the Oxford canal have since been completed.

The Stourbridge canal act passed in 1776, and was intended to open to that town a communication with the Staffordshire and Worcester canal. The same year an act passed for a canal from the Stourbridge navigation to the neighbourhood of Dudley, and which, by the 25 G. III. was extended to join a canal from Birmingham to Worcester.

In the year 1789 an act was passed to make a canal from Birmingham to Warwick; another from the Warwick canal to Napton, and to join the Oxford canal at Brampton. In 1787 another act passed for making a canal from the Birmingham and Worcester navigations to Stratford-upon-Avon.

In 1791 an act passed to make a canal from Worcester to Birmingham. This, however, is still unfinished, the money raised being insufficient.

There is a small canal from the Severn to open a communication with Droitwich.

In proceeding to the north, we find a small canal, called the Lankey Canal. An act passed 28 Geo. II. to make a small brook, called Lankey-brook,

brook, navigable into the Mersey; but on a survey it was found that it would be more expedient to make a collateral cut by the side of the brook, and in 1760 an act passed for that purpose, and the canal was quickly finished. This may therefore in one respect be deemed the oldest canal navigation in England, as it was the first completed. It has on it eight locks of about 15 feet fall each, and two double locks of 50 feet fall. It was planned to convey down copper ore and coals from the mines.

The act to enable the proprietors to cut a canal from Leeds to Liverpool passed in 1770. This was an extensive concern, for not less than 320,000*l.* was raised to put it in execution; but this sum was expended before much more than sixty miles were accomplished, the whole intended line being 129 miles. In 1790 the company obtained an act to vary their line, and to raise a further sum of money; and in 1794 another act for farther alteration; but this money is expended, and the canal still remains unfinished.

In 1771 an act was obtained to make a canal from Bridport to join the Leeds and Liverpool canals at Vindhill in Yorkshire. This small canal is about three miles long, and has eight locks, being executed at the expence of about 60,000*l.* Another act passed to make a canal from the Leeds and Liverpool canal to Lancaster and Kendal, passing by the town of Chorley, Preston, &c. This line was afterwards, by act of 32 Geo. III. extended. The aqueduct of this canal, from the river Lure near Lancaster, will be the first thing of the kind in England, if not in Europe, and will consist of five arches 70 feet span. Another, Lord Thanet, in 1772, obtained an act to cut through his own grounds from Skipton into the Leeds canal.

On the east side of the kingdom, we find a canal from Market-Wigton to the river Trent. An act for this purpose passed in 1772. The great view in this work was to drain the neighbouring lands, with the double intention of making also a navigable cut or canal. It has been completed, and turns out very advantageous.

A small canal harbour was cut to join the rivers Ouse and Aire, and another from the Dun to the Trent, called the Keardley Canal. A canal has also been cut from Barnsley to the Aire, called the Barnsley

Canal, and another into the Don, called the Dearne and Don Canal. We find also a canal from the Don to the Trent.

As long ago as 1769, Mr. Brindley projected a navigable canal from Chesterfield to the Trent; he surveyed the ground, and stated the estimate at 100,000*l.* Next year, in 1770, an act was obtained, and the work carried on by Mr. Brindley during his life, but completed by Mr. Henshall. On this canal is a tunnel 3000 yards long; the length of the canal is 45 miles, the rise from Chesterfield to Norwood 45 feet, and the fall from Norwood to the river 335 feet.

In the year 1793 an act passed to cut a canal from the river Trent, near Swardstone, to Derby, and thence to Little Eaton, with a cut to Derby to join the Erewash canal. The Erewash navigation has also another canal, which communicates with it at its head, and runs into the Trent. This was cut for the convenience of the town of Nottingham, and is called the Nottingham Canal.

In 1793 an act passed to make a small canal from near Ulverstone of about one mile and a half long.

Some time ago, Sir John Ramsden had cut a canal from the river Calder into the river Calne, near Huddersfield; and in 1792 an act passed to make a canal from Manchester to Ashton-under-Line. In 1794, two acts passed; one for making a canal from the Calder navigation to Manchester, to be called the Rochdale Canal; and the other from Sir John Ramsden's canal to the Ashton-under-Line canal, to be called the Huddersfield Canal. These, with the Calder navigation, form a complete communication one with the other; and the same year an act for making a canal from Ashton-under-Line to Chapel-firth passed, which has greatly extended that connection.

In the west of England, and Wales, we find a vast variety of canals, which must greatly tend to improve that part of the country, and increase its commerce. As early as the year 1730, a scheme was produced to make the river of Stroudwater navigable to the Severn, but this was never completed; and in 1755 another scheme was brought forward, which was likewise dropped; but in the year 1774 an act was obtained to make a navigation by means of a new canal, which was soon finished, and extends about

eight miles. This led the way for completing the junction of the rivers Thames and Severn; and in 1783 an act passed for making a canal from Stroud to the town of Lochlade, both in Gloucestershire, at the latter place to join the Thames.

This canal begins at the Stroudwater navigation, and proceeds to Lochlade, a line of thirty-eight miles and a half. At Saperton there is a tunnel of two miles and a half in length, built of masonry, and arched over, with an interverted arch at the bottom. This canal opens an intercourse between London and the ports of Wales, Bristol, Gloucester, and Worcester, and all the towns on the Severn.

In 1769, application was made to parliament for an act to make a navigable canal from the city of Chester to Middlewich; but by a very extraordinary clause inserted in the act, the proprietors were prevented from uniting with the Trent and Mersey canal at Middlewich. A canal was soon completed under this act to Nantwich, having a fall from the summit to Chester of 170 feet, and from the summit to Nantwich of 40 feet. This canal has for many years, for want of communication with other canals, proved a very unprofitable undertaking.

In 1794, the 34th G. III. an act was obtained to enable certain persons to cut a canal from Shrewsbury to the river Mersey near Netherspool, to pass by the town of Ellesmere, from whence it is stiled the Ellesmere Canal. The length is 57 miles, and it has on it 537 feet of lockage, and one of the finest aqueducts, over the river Dee, ever erected in this country. There are also two tunnels on this canal. So great and important was this undertaking conceived to be, even from the beginning, that the proprietors were allowed to raise a sum not less than 400,000*l.* to complete it.

The canal called the Shropshire Canal, the act for which was obtained in the year 1788, proceeds from Donington-wood to the Severn; it is only seven miles and a half long, but has a rise and fall of 420 feet, which is managed by three inclined planes.

A small canal has been cut also from Dorington-wood, in the parish of Lilleshall, to or near Newport, in the county of Salop, by Lord Stafford and the two Mr. Gilberts, which is about six miles long, and is their private property. A canal was also cut

in 1789 from Ketley iron-works in Shropshire to the Shropshire canal.

The Montgomeryshire canal act passed in 1794, and enables the proprietors to cut a canal from the lime-works of Portywean in Shropshire, to Newtown in the county of Montgomery, with a branch to Crumlin-bridge. This canal was begun in 1792. A small canal from Combe-hill, in the county of Gloucester, was begun the same year.

An act passed in 1793 for a canal from the town of Brecknock to the Monmouthshire canal at Pontypool. The date and particulars of the Monmouthshire canal we have not been able to obtain with precision.

A canal has been cut from Swansea to Hennyayadd, which is called the Swansea or Glamorganshire Canal.

A canal is also begun from the Glamorganshire canal to Aberdon. in the same county. The act passed in 1793. Its length is about eight miles. The same year an act passed for making a canal from the town of Brecknock to the Monmouthshire canal, a distance of eighteen miles and a half.

The completion of Mr. Brindley's great plan for communicating with the city of London and the great northern ports was reserved till the year 1794, when an act passed for making a canal from the Oxford canal, at Braunston, to the Thames near Brentford, a line of 90 miles, with 796 feet lockage, by 120 locks and three tunnels. The estimated expence 500,000*l.*

Soon after, an act was obtained to cut a canal from the Grand Junction near Uxbridge, to Paddington. This fully completes the original plan of Mr. Brindley.

In the eastern part of England, we find a navigable canal from Langley-bridge to the river Trent, and another from Chesterfield to the river Trent.

In 1776, a navigation was begun from Loughborough into the river Severn; and in 1791 an act passed to make a navigable communication from the Loughborough canal and town of Leicester, with rail-ways to certain places in the neighbourhood. Another act passed for extending the Leicester navigation to Melton-Mowbray.

In 1792, an act passed for making a canal from Sleaford-castle to the river Witham, in the county



of Lincoln; and an act passed in the 33d year of Geo. III. for making a canal from South Kelsey to the town of Carston, in Lincolnshire, to be called the Carston Canal.

An act passed in 1793 for making a navigable communication between the town of Chelmsford and the river Blackwater, near Malden in Essex, a length of thirteen miles and a half, ten of which is by the rivers, and the rest by the new cuts.

A canal from Grantham in Lincolnshire, and the river Trent, was begun in 1792, and is now cutting.

Another from Melton-Mowbray and the town of Leveit, to Oekspord in Rutlandshire. The act passed in 1792.

Another from the town of Leicester to Northampton, which is called the Union Canal.

Another from Newberry to the river Avon, called the Kennet and Avon Canal.

And another from the Coventry canal to Ashby-de-la-Zouche. Some other small canals have also been made, but of no great consequence.

NAVY AGENT. See *Agent*.

NAVY BILLS. See *Funds*.

NEAT, or NET, is the weight of any pure commodity alone, without the cask, bag, dross, &c. In accounts it is the amount that remains after every deduction is made that custom or agreement has rendered necessary.

NECESSITY. The law charges no man with default where the act is compulsory and not voluntary, and where there is not a consent and election; for although by statute every merchant setting his merchandize on land, without satisfying the customer or agreeing for it, shall forfeit his merchandize; and if it so happens, that by a tempest merchandize is thrown overboard, whereby the merchant agrees with the customer by estimation, which is erroneous, yet the over quantity is not forfeited; the necessity of the case dispenses with the direct letter of a statute law.

If in danger of tempest those who are in a ship throw overboard other men's goods, they are not answerable; also if a fire happens in a street, a person may justify pulling down the wall or house of another to prevent the fire from spreading.

Compulsion and inevitable necessity are considered by the learned Blackstone, among those causes from

whence arises a defect of will, and under which, therefore, an action is not to be considered as criminal which would otherwise be so.

Whatever is done by a man to save either life or limb, is considered as done by the highest necessity and compulsion. Therefore, if a man through fear of death or mayhem is prevailed upon to execute a deed, or do any other legal act, these, though accompanied with all requisite solemnities, may be afterwards avoided as done by necessity.

If a man is under imprisonment, or illegally restrained of liberty, until he seals a bond or the like, he may allege this imprisonment, and avoid the extorted bond; but if a man be lawfully imprisoned, and either to procure his discharge, or on any other fair account, seals a bond or deed in the presence of an attorney, this is not of necessity, and he is not at liberty to avoid it. 2 Inst. 83.

NETHERLANDS, the Low Countries or Belgium, situated between 50 and 53 deg. N. lat. and 2 & 7 deg. E. long. Till the late revolution it was divided into three, by the names of the French Netherlands, the Austrian Netherlands, and the Seven United Provinces. By the present arrangement of affairs all the Netherlands south of the river Waal, one of the branches of the Rhine, belong to France, and the remainder to the Dutch.

Though the extent of the Netherlands is not great, yet the history of that country is peculiarly interesting, viewed either politically or commercially. It was there that commerce flourished first in the north of Europe, where Antwerp, Bruges, Ghent, Amsterdam, &c. &c. rivalled the first cities in the world for wealth and commerce. See *Hanseatic League*, *Flanders*, *Brabant*, and *United Provinces*.

NEVIS lies about seven leagues north of Montserrat, and is separated from St. Christopher's by a narrow channel; it makes a beautiful appearance from the sea, being a large conical mountain, covered with fine trees, of an easy ascent on every side, and entirely cultivated. The circumference is about 21 miles, with a considerable tract of level ground all around. The climate is temperate, being refreshed by land and sea breezes, and the soil very fine. The commodities are chiefly cotton and sugar, and the average quantity of the latter is 4200 hogsheads, o

1600 weight each. The number of inhabitants are estimated at 1500 whites and 10,000 blacks. The island is divided into five parishes, and has three good roads or bays with small towns in their vicinity; Charleston, the seat of government, Moreton Bay, and New Castle; the principal fortification is at Charleston.

NEWFOUNDLAND is situated to the east of the gulf of St. Lawrence, between 46 and 52 degrees of north latitude, and between 53 and 59 degrees west longitude; separated from Labrador, or New Britain, by the straits of Belleisle, and from Canada, by the bay of St. Lawrence, being 550 miles long and 200 broad. From the produce of this island the British reap no great advantage, the soil being rocky and barren; however, it is watered by several good rivers, and has many large and good harbours. This island, in case, at any future period, the continent shall require timber convenient for navigation, it is said will afford a large supply for masts, yards, and all sorts of lumber for the West India trade; but what at present it is chiefly valued for, is the great fishery of cod carried on upon those shoals which are called the Banks of Newfoundland. Great Britain and North America are computed annually to employ 3200 sail of small craft in this fishery; on board of which, and on shore to cure and pack the fish, are upwards of 100,000 hands; so that this fishery is not only a very valuable branch of trade to the merchant, but a comfortable livelihood to so many thousand of poor people, and a most excellent nursery for seamen. This fishery is computed greatly to increase the national wealth by the remittances for the cod sold in the North, in Spain, Portugal, Italy, and the Levant. The plenty of cod, both on the Great Bank and the lesser ones, which lie to the east and south-east of the island, is inconceivable; and not only cod, but several other species of fish, are caught there in abundance; all of which are nearly in an equal plenty along the shores of Newfoundland, Nova Scotia, New England, and the isle of Cape Breton; and very profitable fisheries are carried on upon all their coasts.

The French prior to the revolution were allowed to enjoy the fisheries on the north and on the west coast of the island, which was confirmed to them by the late definitive treaty with the French republic.

The quantity of cod caught in a season amounts to between 3 and 400,000 quintals of 112lb. each, producing above 1200 barrels of oil from the livers only. Each ship carries 12, and their boats eight men. The average number of fish caught by one man in a season is 7000. There is no greater or better nursery for seamen. For the liberty of the French to fish here, see *Treaties*.

The inhabitants of the United States of America are allowed the same privilege of fishery as they enjoyed before their independence. The chief towns in Newfoundland are Placentia, Bonavista, and St. John's; but not above 1100 families remain here in winter. A small squadron of men of war are sent out every spring to protect the fisheries and inhabitants, the admiral of which for the time being is governor of the island, besides whom there are two lieutenant-governors, one at Placentia, and the other at St. John's.

NEUTRALITY. A state not engaged in alliance with either of the belligerent powers, is not obliged to take part in a war; but while it preserves a strict neutrality, has a right to insist on being treated as neutral by the powers at war. To observe an entire neutrality, a state must abstain from all participation whatever in warlike expeditions. It must grant or refuse nothing to one of the belligerent powers which may be useful or necessary to such power in prosecuting the war, without granting or refusing it to the opposite party; it must, in short, not favour one of the parties more than the other. Hostilities cannot be carried on in the territory or parts of the sea under the dominion of a neutral power, without a violation of the law of nations. But the booty which a captor brings or sends into a neutral territory cannot on that account be claimed by the original proprietor. The captor may even sell such booty in a neutral territory, if it has not been otherwise settled by treaty.

The property of a neutral power, whether moveable or immoveable, found in the territory of an enemy, ought to be exempt from hostilities. Sovereigns, however, have sometimes at the commencement of a war laid an embargo on the ships of neutral nations lying in their ports, and even seized them in order to employ them in the service of the

fleet,

fleet, paying them for their services. This right is at most doubtful, and in a number of treaties it has been provided against.

One of the most important articles to be considered in treating of the laws of neutrality is the commerce between neutral and belligerent nations.

A neutral nation may permit its subjects to carry all sorts of merchandize, including arms and ammunition, to the powers at war, or to any of them with which this commerce may be carried on to the greatest advantage. So long as the sovereign power in a neutral nation does not interfere by prohibiting commerce with either or all of the powers at war, so long, it would seem, the nation does not transgress the laws of neutrality. However, a power at war having a right to hinder its enemy from reinforcing itself by the reception of warlike stores, necessity may authorize it to prevent merchandize of this kind from being conveyed to the enemy by a neutral power; but in all such cases the captor ought to be satisfied with sequestering such merchandize till the end of the war, or if he apply them to his own use, he ought to pay the full value to the neutral proprietor. But every sovereign engaged in war may prohibit all commerce whatever with the enemy, in his own territory and maritime dominion; in the places, provinces, &c. taken from the enemy, and in such places as he is able to keep blockaded so as to prevent the entrance of any foreigner. In all these cases he may attach the penalty of confiscation or other punishment on those who carry on such prohibited commerce. But no power has a right to confiscate the goods of an enemy found in a neutral vessel, navigating in a free or neutral sea, nor neutral goods found in the vessel of an enemy, provided, in both cases, these goods be not warlike stores. A belligerent power has a right, even on a free sea, to bring a neutral vessel to, and insist on a proof of her neutrality. This point, however, has been differently decided in the courts of Great Britain; but the late decisions are in favour of the right of stopping a neutral vessel. See *Garrells v. Kensington*, 8 Term Rep. 230, and the case of the *Maria*, Paulsen, master, decided the 11th June 1799, in the court of Admiralty, in Dr. Robinson's Reports.

In the case of a dispute concerning the lawfulness

of a prize made on a free sea; if the two nations do not settle it in an amicable manner, judges of both nations are to determine it by a judicial decision.

It is now generally understood, that a neutral power ought not to transport to either of the belligerent powers, merchandize unequivocally intended for warlike purposes, and what are commonly called *contraband*; and in order to ascertain this with the greater precision, maritime powers, at the beginning of a war, generally advertise the neutral powers that they shall look on certain specific articles as *contraband*, and notify the penalties they intend to inflict on those who shall be found conveying them to the enemy.

A nation which authorizes *contraband* commerce is considered to have violated its neutrality, and the belligerent power against which such commerce operates, confiscates the *contraband* merchandize, and sometimes also the vessel. On this point, where there are no treaties, the conduct of the belligerent powers is extremely various.

As to merchandize not *contraband*, it is generally allowed that neutral powers have a right to transport them to the enemy, except into places blockaded, with which all commerce is prohibited. But neutral merchant vessels ought, when at sea, to submit to the customary examination, which has been almost uniformly confirmed by treaties of commerce between the different powers.

When a prize has been made, the captor cannot appropriate it to his own use, till it has been condemned as lawful prize in a court of admiralty. Every sovereign is entitled to institute courts of admiralty, with full powers to determine on the legality of all prizes made by his subjects. In trials of this sort the original owners of the prize, or those who claim in their stead, are required to prove that the prize is not a lawful one. Great Britain has even established it as a principle, that if a neutral vessel does not produce to the captor, when met at sea, a sufficient proof of her neutrality, she shall be obliged to pay costs. In other respects, it is not the law of the country where the court is held, but existing treaties, and the universal law of nations, that ought to be the basis on which all decisions of this sort are founded.

It was formerly a rule to return to the proprietors the neutral goods taken on board of an enemy's vessel, and to confiscate the goods of an enemy found on board of a neutral vessel. But at present, regard is had to the property of the vessel and not the goods; so that a neutral vessel saves the goods of an enemy, and neutral goods found on board of an enemy are confiscated.

**NEUTRAL SHIPS**, are ships belonging to states which, with respect to belligerent powers, remain neutral, and by the law of nations are not to assist either party with warlike stores, and in certain cases, as where the place is in a state of blockade, with provisions.

Warlike stores, as arms, ammunitions, &c. when sent to either party, are always deemed contraband by the other, and by the law of nations are subject to capture and confiscation, in whatever vessel they are found, this species of commerce being inconsistent with neutrality, and the insurance upon such property will be void.

Not only arms, powder, ball, and other ammunition, but also horses and furniture, pitch, tar, sails, hemp and cordage, masts, yards, and all other necessaries for the building and equipment of ships, are by the law of nations generally deemed contraband. What shall not be deemed contraband are generally specified in the treaties between particular states.

A neutral ship refusing to submit to search, or to produce her papers, will be subject by the law of nations to condemnation. See *Insurance, Neutrality*.

**NEWCASTLE-UPON-TYNE**, a large and ancient sea-port in the county of Northumberland, on the River Tyne, to which the ancient barrier between England and Scotland, called the Picts' Wall, formerly abutted.

The quay is excellent, and one of the best in England. It is famous for its manufactory of glass, grindstones, and the coal-works in the neighbourhood. Iron and steel manufactories are also established with success and to a considerable extent. Earthenware is also manufactured here; for, like all coal countries, it is favourable for the establishment of manufactures that require great consumption of fuel. About 1,200,000 tons of coals are yearly exported, which, allowing six voyages or trips in a year, would

require 200,000 tons of shipping, and about 15,000 seamen.

**NEW ENGLAND.** See *England, New*.

**NEW HOLLAND.** See *South Wales, New*.

**NEW YORK.** See *York, New*.

**NEW ZEALAND.** See *Zealand, New*.

**NON CLAIM.** Where one person has a demand upon another, and does not enforce his claim within a reasonable time, he is precluded by law from bringing his action to enforce it; and where a creditor neglects to make his claim upon a bankrupt's estate within a certain period, he will not be let in afterwards, so as to disturb the dividend. See *Bankruptcy, Limitation of Actions*.

**NONSUIT.** Where a person has commenced an action, and at the trial fails in his evidence to support it, or has brought a wrong action, by suffering a nonsuit he may commence another action. See *Calling the Plaintiff*.

**NORFOLK**, a very populous manufacturing and fertile county of England. For its manufactures, see *Norwich*. Sheep, cattle, and poultry are uncommonly abundant in this county, and there are great numbers of fish caught on the coasts. Yarmouth is the chief sea-port.

**NORMANDY**, one of the most considerable, rich, and important provinces of France. This province comprises the départements of Calvados, of Eure, of Arne, of La Manche, and the Lower Seine. It has numerous rivers, and nine large sea-ports, in which, and particularly in those of Dieppe, Fecamp, Havre, Honfleur, Granville, and Cherbourg, a large quantity of shipping is fitted out for the whale fishery, herring, cod, and mackerel fisheries, as well for the French colonies, as for the different ports of France and foreign countries. Of all the provinces of the French republic, Normandy contains the greatest number of manufactories, and works up one half of the cotton imported from America and the Levant. Its manufactures are woollen, linen, hempen, and coarse cotton cloths, in all colours, and variously wrought and figured. Here are also considerable glass manufactories, particularly for crown-glass, with which England was formerly supplied. The glass-houses are very numerous, and looking-glasses, as well as glass of every other description, are here manufactured.



In the town of Villedieu is a considerable manufactory for copper and other metals of every species, where are manufactured all kinds of kitchen-ware in brass, copper, tin, and wrought iron. These different articles supply the different provinces in France.

Below Newbourg there are large forges, which work up a prodigious quantity of iron. Pins also are manufactured in the neighbourhood, and sewing-needles are made at the manufactories of Rouen and D'Evreux.

**NORTH CAROLINA.** See *Carolina*.

**NORTHUMBERLAND**, the most northerly county of England, bordered by Scotland and the German Ocean on the north and east. Newcastle is the chief town, and coals, cattle, sheep, and corn, are the chief productions. For the manufactures and trade, see *Newcastle, Berwick*.

**NORWAY**, a country of Europe, extending from the 57th to the 72d degree of north latitude, and from the 5th to the 31st degree east of London. This extensive country lies too far to the north to be well peopled or productive. Fir and pine are its chief exports; but iron, copper, alum, turpentine, and tar, are also exported in large quantities. There are some silver and copper mines; and one mass of pure silver was found there, weighing 560lb. and is preserved in the royal museum at Copenhagen.

The seas on the coast are frozen part of the year, and are always dangerous to navigators. Besides the above articles, exported in very considerable quantities, the Norwegians send to other nations marble, millstones, herrings, cod, ling, cow hides, goat skins, sea skins, furs and other skins, nuts, juniper-berries, vitriol, and pot-ashes. Its imports consist of finished manufactures, such as are fabricated in more polished countries; wines, brandy, and the productions of more southern climes.

**NORWICH**, the capital of the county of Norfolk. It was even in early times a city of great extent and

population, but was greatly reduced by war, and fire and pestilence. In 1538 the plague carried off 50,000 persons, and in 1505 it was nearly all consumed by fire; and Hugh Bigod, earl of Norfolk, during the civil wars, brought great disasters on the whole country round. To the cruelties of the duke of Alva in the Netherlands, by putting to flight many protestants, Norwich owes its famous manufactures of damasks, camlets, druggets, crapes, shawls, &c. &c. The population, trade and manufactures, are now all great and flourishing, as is the country all round.

**NOTE** is an order or security for money, made in writing. See *Bank Notes, Bills of Exchange, Promissory Notes, Small Notes*.

**NOTARY PUBLIC**, is a person duly appointed to attest deeds and writings; he also protests and notes foreign and inland bills of exchange and promissory notes, translates languages and attests the same, enters and extends ships, protests, &c.

**NOTARIAL ACTS**, are those acts in the civil law which require to be done under the seal of a notary, and which are admitted as evidence in foreign courts.

**NOTICE.** See *Bills of Exchange*.

**NOTING**, is the act of the notary when any negotiable instrument is presented and refused payment. Noting is not known by the laws of England as distinguished from protest. See *Bills of Exchange, Promissory Notes*.

**NOVA SCOTIA.** See *Scotia, Nova*.

**NUISANCE**, signifies generally any thing that worketh hurt, inconvenience, or damage to the property or person of another. Nuisances are of two kinds; *public*, or *private nuisances*, and either affect the public, or the individual. The remedy for a nuisance is by action on the case for damages. Every continuance of a nuisance is a fresh nuisance, and a fresh action will lie.

**OATH**, an affirmation or denial of any thing before one or more persons, who have the authority to administer the same, for the discovery and advancement of truth and right. See *Affidavit*, *Deposition*.

**OBLIGATION**. See *Bind*.

**OFFENCE**, is any act committed against any law. Offences are either *capital* or *not capital*. Capital offences are those for which an offender shall lose his life; not capital, where the offender may forfeit his lands and goods, be fined, or suffer corporal punishment, or both, but not loss of life.

High treason, petit treason, and felony, constitute capital offences; other offences, not capital, include the remaining part of criminal offences or pleas of the crown, and come under the denomination of misdemeanours.

**OFFICE**, is that function by virtue whereof a person hath some employment in the affairs of another. An office is a right to exercise any public or private employment, and to take the fees and emoluments thereunto belonging, whether public, as those of magistrates, or private, as of bailiffs, receivers, &c.

The stat. 5 and 6 Edw. VI. c. 16, declares all securities given for the sale of offices unlawful. And if any person shall bargain or sell, or take any reward, or promise of reward, for any office, or the deputation of any office, concerning the revenue, or the keeping of the king's castles, or the administration and execution of justice, unless it be such an office as had been usually granted by the justices of the king's bench or common pleas, or by justices of assize, every such person shall not only forfeit his right to such office, or to the nomination thereof, but the person giving such reward, &c. shall be disabled to hold such office.

But it has been decided, that where an office is within the statute, and the salary certain, if the principal makes a deputy, reserving by bond a less sum out of the salary, it is good; or, if the profits are uncertain, reserving a part (as half the profits), it is good; for the fees still belong to the principal, in

whose name they must be sued for, *Salk.* 466: but where a person so appointed gives a bond to the principal to pay him a sum certain, without reference to the profits, this is void under the statute. *Salk.* 465.

To offer money to any officer of state, to procure the reversion of an office in the gift of the crown, is a misdemeanour at common law, and punishable by information; and even the attempt to induce him, under the influence of a bribe, is criminal, though never carried into execution.

Any contract to procure the nomination to an office, not within the stat. 6 Edw. VI. is defective on the ground of public policy, and the money agreed to be given is not recoverable. 1 *Bov.* Chan. Rep. 124.

**OFFICER of REVENUE**. See *Customs*, *Excise*.

**OIL**. See *Exports* and *Imports*.

**OLERON**, *Lawes of*, a collection of sea laws, digested in the Isle of Oleron, from whence they derive their name, compiled and promulgated by Richard the First, as king of England. This is one of the most ancient maritime codes, and is so universally approved that it forms a part of the maritime code of other nations.

**OMNIUM**. See *Funds*.

**OPTION**. See *Election*.

**ORKNEYS**, a cluster of islands at the northern extremity of Great Britain, from which they are separated by a narrow channel ten miles in breadth. They are in number about 30; the greater number are small, and afford nothing but pasturage for cattle, barley, and oats; but neither wheat, fruits, nor garden stuffs in perfection. There are some mines of lead, tin, and silver. The number of inhabitants is about 30,000, and the largest island is 33 miles in length and 9 in breadth. The history and account of the situation of these islands are interesting to the mineralogist and naturalist, but of little importance to the commercial world. In the north-west of Europe, they certainly afford the means of victualling, resisting, and giving shelter to ships; but whatever their value may be, it has not yet been turned to account.

**ORDNANCE**

**ORDNANCE DEBENTURES.** These bills are issued by the board of ordnance to persons contracting for stores, &c. purchased in that department; and, as they are not payable at any fixed period, and do not bear interest, there is always a discount upon them, which has sometimes been very considerable. Although these bills are not originally entitled to any interest, it was conceived proper to allow the proprietors of those funded in 1784 and 1785 to add interest to them at 4 per cent. after the expiration of 15 months from the expiration of the respective bills.

**ORLEANS,** a province of France, of which the chief town bears the same name. Wine and corn are the chief productions of the country; and its manufactures, hosiery and cutlery. In the old order of things in France, Orleans was taxed more heavily than most other generalities; how it is at present is scarcely ascertained. The city contains about 40,000 inhabitants, and the generality about 700,000.

**ORLEANS,** New, a city in America, and the capital of Louisiana, at the distance of 90 miles from the Gulph of Florida, on the great river Mississippi. This is the key to the whole of the countries that border on the great rivers that intersect the northern continent from north to south, and have emphatically been called the grand artery of North America. This city, originally founded by the French in 1717, was ceded, with its territory, to Spain in 1763; but has now reverted to France by the last peace. Ships of a large burthen can ascend the river to this town, which at its beginning was rendered famous by Mr. Law's scheme, and promises to be a bone of contention between France and the United States of America, to whose lot it must ultimately fall, as the western provinces never can enjoy prosperity till by means of the Mississippi they enjoy free communication with the ocean.

**OSTEND,** a fortified city and free port of the Austrian Netherlands. The harbour is capacious, but the entrance narrow, and liable to an accumulation of sand. Much trade has been carried on from this place, particularly to the East Indies. It is only five leagues from Bruges, which was once the first town in the north of Europe for trade and commerce. There was an East India company established in 1724; but it was abolished in 1731. Individual merchants, or

merchants associated together on their own account, however, traded to India till 1794, when it fell under the dominion of the French; and with respect to its future commercial prospects, every thing is very uncertain. It is situated in east longitude 3 deg. 1 min. and north latitude 51 deg. 14 min. The extent is but small, and the number of inhabitants not above 8 or 9,000. The fortifications are such as in former times were very formidable; but it is, according to the present system of war, unable to resist any regular attack.

**OUTLAWRY** is being put *out of the law*, or out of the king's protection. It is a punishment inflicted for a contempt in refusing to be amenable to the process of the higher courts. By outlawry in civil actions, a person is put out of the protection of the law; so that he is not only incapable of suing for the redress of injuries, but may be imprisoned, and forfeits all his goods and chattels, and the profits of his land; his personal chattels immediately upon the outlawry, and his chattels real, and the profits of his lands, when found by inquisition. 1 *Salk.* 395 If a bankrupt abscond, he may be outlawed. See *Bankruptcy*.

**OXFORDSHIRE,** a county of England, of which Oxford is the chief town. It is nearly in the center of England, and inferior to no part of the island in beauty and fertility; but having, till it was lately intersected by canals, no fuel but wood, it is not a country favourable for manufactures. Where coals are not to be found, the counties that do not produce them, are not only incapable of rivaling those that do in every article where fire is necessary, but even in others where it is not wanted. Firing is so necessary to the poor, that they do not thrive or increase where it is dear or scarce. Men must come to the land in order to cultivate it, but manufactures follow men who establish themselves where the great necessities of life can be the most easily obtained. Of all the articles essentially necessary to comfort, fuel is the heaviest and most difficult to transport. This accounts for Oxford not being a manufacturing county. Being inland, it is cut off from commerce; nevertheless, at Woodstock some of the finest cutlery in England is manufactured.

**OYSTERS.** See *Fisheries*.

# P.

## P A R

**P**ACKAGE, a duty rated in a table of goods and merchandizes; and all goods not specified in such table, are to pay for package duties after a certain rate, according as they are valued in the Book of Rates. See *Customs*.

**PACKETS** are light vessels which sail from port to port with letters, passengers, &c. By stat. 13 and 14 Car. II. c. 11. s. 12, packet vessels are prohibited from exporting or importing goods under certain penalties. See *Exportation, Importation*.

**PALERMO**, the capital of the island of Sicily; it is a very large city, containing about 130,000 people. The exports consist in grain of all sorts, sweet and bitter almonds, vinegar, brandy, raisins, cantharides, olive oil, oranges and lemons, cream of tartar, pistachio nuts, sago, skins of different sorts, and a variety of small articles, the produce of Sicily. The importation consists in broad cloths, sugars, the finer manufactures of all sorts of taste and luxury, and East India commodities. See *Sicily*.

**PANAMA**, the capital of the province of Darien, in South America. The harbour is commodious and secure. It is from thence that the riches of the New World are brought to Old Spain. The north latitude 8 deg. 57 min. and 82 deg. 15 min. west longitude. There is amongst the islands opposite a great pearl fishery.

**PAPER**. See *Excise, Exports, and Imports*.

**PAPER CREDIT**. See *Bank, Bills of Exchange, and Circulating Medium*.

**PAPER HANGING and STAINING**. See *Excise, Stamps, Exports, and Imports*.

**PAPER MAKER**. See *Excise*.

**PARCELS**. See *Portage*.

**PARCELS, BILLS OF**. See *Bills of Parcels*.

**PARCHMENT**. See *Excise, Exports, and Imports*.

**PARDON** is the remitting an offence or punishment, which is done by virtue of the king's prerogative.

## P A R

All pardons must be under the great seal. The effect of a pardon is to make the offender a new man; to acquit him of all corporal penalties and forfeitures annexed to that offence, and to give him a new credit and capacity: but nothing but an act of parliament can restore or purify the blood after attainder.

**PAR OF EXCHANGE**. See *Exchange*.

**PAR OF MONIES**. See *Exchange, Money, and Coin*.

**PARIS**, the capital of France, situated on the river Seine, at 2 degrees of longitude east, 48 deg. 50 min. 10 sec. of north latitude. The population amounts to about 700,000; and the consumption of all articles is great, as may be naturally expected in a wealthy capital of a great nation.

The Seine is not navigable beyond Rouen, except for small vessels, and during the summer months; even flat-bottomed boats that require only three feet depth of water, are detained for want of a sufficient quantity for several weeks together; it cannot therefore be a place of commerce. Paris is built of stone of an excellent quality, which is found in very extensive quarries on the spot, and in the neighbourhood. The plaster made from a limestone also found there, and called Plaster of Paris, is famous all over the world for its superior qualities.

The most important manufactures carried on in Paris are the tapestry of the Gobelins, gold and silver in plate, and toys and trinkets in great quantities and perfection; jewellery, gold and silver lace, gauzes, ribbons, artificial flowers, and fancy work of all sorts; glass, fine cloth, particularly scarlet of an unrivalled quality and brilliancy of colour. The art of paper staining has been there carried to great perfection; as also that of chasing, gilding, carving, and making of all sorts of furniture and moveables; in which no place in the world can rival the capital of France. The porcelain of Seine, only a few miles from Paris, is probably the first in the world for the fineness of form,



form, design, and execution, and, like that of the tapestry of the Gobelins, is supported by national encouragement.

All merchandizes sent to Paris must be conducted and brought to the custom-house, in order to be inspected, on penalty of being forfeited.

Paris, from its central situation, as well as its magnitude and wealth, previous to the revolution was one of the first cities in Europe for drawing and negotiating bills of exchange; but when the revolution began, and payments were made in assignats, that intercourse nearly ceased; and things are not yet there on a sufficiently solid footing to inspire the confidence necessary for a renewal of the connection to any great extent.

Paris is next in extent to London and Constantinople in size; but, from its geographical situation, never can be a place of commerce, and both the old and new governments have been too fond of making regulations for the commerce to flourish, as it otherwise might: besides which, it has been often interrupted and deranged by monopolies and privileges, as used to be the case in England before the revolution in 1688, which put an end entirely to the arbitrary interference of government in the affairs of private individuals or mercantile men. The art of printing and casting types has been carried to great perfection in Paris; and in general the fine arts flourish highly in that capital.

**PARMA**, a city of Italy, which gives its name to a duchy, and is situated on the river Parma. It contains about 30,000 inhabitants; but has not much trade. The taffetas and stockings of silk and thread are in great estimation; and the art of printing and type founding is carried to a great degree of perfection. The productions of the country are cattle, sheep, fruits, and cheese, of a very superior and peculiar quality, that are esteemed all over the world. Parma is situated 44 deg. 50 min. north latitude, and 28 deg. 27 min. east longitude.

**PAROLE** is a term signifying any thing done verbally or by word of mouth, in contradistinction to what is written; thus an agreement may be by parole. Evidence also may be divided into parole evidence and written evidence. A parole release is good to discharge a debt by simple contract. 2 *Show.* 417.

The holder of a bill of exchange may authorize another to indorse his name upon it by parole. See *Affidavit, Agreement, Deposition, Evidence.*

**PARTNERSHIP.** See *Copartnership.*

**PART-OWNERS**, are persons interested and possessed of certain shares in a ship. Part-owners are tenants in common with each other; but one or more joint-owners refusing to contribute their quota to the outfit of the vessel, cannot prevent her from going to sea against the consent of the majority of the owners, who, giving security in the admiralty, may freight the ship at their own exclusive risk, by which the smaller dissentient number of owners will be excluded at once from any share either in the risk or in the profits. See *Shipping.*

**PASSAGE.** In stat. 4 Ed. III. c. 7, this term is used for the hire a man pays for being transported over any sea or any river. Various statutes of a local nature have been passed for regulating the passage of particular rivers. By a stat. of Edward the Fourth, the passage from Kent to Calais is restrained to Dover.

**PASSPORT**, is a license for the safe passage of any person from one port to another. See *Aliens.*

**PATENT.** See *Letters Patent.*

**PAUPER**, a poor man. By stat. 11 Hen. VII. c. 12, and 23 Hen. VIII. c. 15, s. 2, where a person has just cause of suit, and is so poor that he is not worth *five pounds* after all his debts are paid, excepting the property in question; on oath made of this fact, and a certification from some *barrister*, that he hath good cause of action, the court will admit him to sue *in forma pauperis*, without paying any fee to counsel, attorney, or clerks in court. He may also defend as a pauper on an indictment for a misdemeanour; and also on actions and informations relating to the customs.

**PAWN**, a pledge for payment of money lent. The party who pawns goods hath such a general property in the goods pawned that they cannot be forfeited for any offence committed by the pawnee, nor be taken in execution for his debt.

A factor cannot pawn the goods of his principal, nor can any person into whose possession goods are delivered for safe custody pawn such goods, nor can there be any market overt for pawning. *Stronge*, 1178. 1187.

Where

Where money is lent on a pledge, the borrower is personally liable to the payment, unless there be an agreement to the contrary.

By stat. 2 Jac. I. c. 21. s. 5, the sale of goods wrongfully gotten shall not make any change or alteration of the property or interest of the person from whom such goods were wrongfully purloined, taken, robbed, or stolen.

**PAYMENT**, is the consideration or purchase money for goods, and may be made by the buyer giving to the seller the price agreed upon, either by bill or note or by money. Where a day certain is appointed for payment, the party bound shall not be allowed till the last moment of the day to pay it in, if it be an inland bill. 4 T. R. 173.

Accepting a bill, or giving a promissory note, is good evidence of an antecedent debt. *Kearslake v. Morgan*, 5 T. R. 513. and *Richardson v. Rickman*, cited *ibid*. If these are not duly paid, they are considered as a nullity; but no action can be maintained on the original demand until they have become payable.

A sold goods to B, for which the latter was to pay by a bill at three months; B gave A a check on his bankers (who were also the bankers of A), requiring them to pay A on demand, in a bill at three months; A paid the check into the bankers, and took no bill from them, but the amount was transferred in the bankers books from B's accounts to A's with the knowledge of both. The bankers failed before the check became due; and it was held, that A could not recover the value of the goods against B. *Bolton v. Richard*, 6 T. R. 139.

If a debtor is directed by his creditor to remit bills by the post, and the bills are lost, the creditor must sustain the loss. *Warwick v. Noakes*, E. T. 31 G. III.; but in such case the person remitting should deliver the letters at the post office, and not to a bellman in the street. *Hawkins v. Rutt*, sitting after Trin. T. 33 G. III.

The payment of the money shall be directed by him who pays it, and not by the receiver, 5 Rep. 117. If the payer does not apply the payment, the receiver may; but he must not apply it to an uncertain demand, as to a debt from a testator. *Strange*, 1194.

A bill drawn on A to pay money for value received

is a good discharge of a debt, though the bill be not paid, unless the creditor return the bill in convenient time. *Skew*, 155. If A gives B a bill of exchange on C, in payment of a former debt, this will not be allowable as evidence upon non assumpsit, unless paid; for a bill shall never go in payment of a precedent debt, except it be part of the contract that it should be so. 1 *Salk*. 124.

When a merchant draws a bill upon his correspondent, who accepts it, this is payment; for it makes him debtor to another person, who may bring his action.

By stat. 3 and 4 Anne, c. 9. s. 7, if any person doth accept any bill of exchange described in this act, in satisfaction of any former debt, or sum of money formerly due, the same shall be accounted and esteemed a full and complete payment of such debt, if such person accepting of any such bill for his debt, doth not take his due course to obtain payment thereof, by endeavouring to get the same accepted and paid, and make his protest either for non-acceptance or non-payment thereof. See *Acquittance, Bankruptcy, Bills of Exchange, Discharge, Release*.

**PEACE** is generally preceded by preliminary arrangements and conventions, sometimes made by the belligerent powers themselves, and sometimes with the participation of a mediator. When a treaty is to be negotiated by the belligerent courts, they have generally recourse to ministers plenipotentiary; and the negotiation is carried on sometimes at the court of one of the parties, sometimes at that of a mediator, and sometimes at some other place appointed for assembling a congress of the plenipotentiaries from the different powers interested. When the negotiators have come to an agreement on the points which are to serve as the basis of a treaty of peace, and there remain certain difficulties, but not of sufficient importance to induce the parties to continue or renew the war, preliminary treaties are generally formed, which, when signed and ratified, are obligatory on the parties till the conclusion of the definitive treaty.

Treaties, though they generally contain certain articles nearly similar to each other, necessarily vary in most essential points, according to the circumstances of the case, and the situation of the parties. Besides the principal

principal contracting parties in a treaty, other powers are often mentioned therein, as *comprehended*, as *acceding*, or as *guarantees*. Powers comprehended are generally the allies and auxiliaries of the principal contracting parties, and sometimes other powers comprehended from other motives. The same is the case as to those powers which accede; only it is done by a separate act accepted by the contracting parties. Foreign powers are sometimes called in as guarantees, either in respect to the treaty in general, or particular articles of it; and who engage to maintain it, in promising their assistance to the party complaining of an infraction, who shall demand such assistance. The signature and ratification of the treaty are followed by solemn publication of it, and the execution of the articles; such as cession of territories, which is often attended with real difficulties, as to require particular subsequent conventions, and even congresses of execution.

The rules on which courts of admiralty in England profess to proceed are, the *law of nations*, and such *treaties* as particular states have agreed shall be engrafed on that law. But an *arret* or *ordinance* is of another kind; a treaty is a contract made by the contracting parties, and the other an *ex parte* law, made by one nation only, to which no other state is a party; and it is not competent to one nation to add to the law of nations by its own arbitrary ordinances without the concurrence of other nations. 8 T. R. 437.

PEDLARS. See *Hawkers*.

PENALTY, is a forfeiture inflicted for not complying with the regulations of certain acts of parliament: a penalty is also annexed to secure the performance of certain covenants in a deed, articles of agreement, co-partnership, &c. In a bond also for payment of money, it is usual to annex a penalty in double the amount of the obligation. See *Bond*.

PENNSYLVANIA, one of the United States of North America. For its productions, &c. see the *United States of America*.

PERJURY, is a crime committed when a lawful oath is administered, by any who hath authority, to a person in any judicial proceeding, who swears wilfully, absolutely, and falsely in a matter material to the issue or cause in question, by his own act, or by the subor-

nation of others. To constitute perjury, it is essential that the oath be *wilfully taken*; that it be in a judicial proceeding, or some other public proceeding of a similar nature: the oath must be taken before persons lawfully authorized to administer it, and also by a person sworn to depose the truth; it must also be taken absolutely and directly, and upon something material to the point in issue.

It is not material whether the false oath was credited or not, or whether the party in whose prejudice it was taken was in the event damaged by it; for the prosecution is not grounded upon the damage, but on the abuse of public justice; neither is it material whether the thing sworn be true or false.

By stat. 5 Eliz. c. 9, persons guilty of perjury, or subornation of perjury, are to be punished with one year's imprisonment, and stand in the pillory where the offence was committed. This offence is also punished by transportation.

PERMIT, a licence or warrant for persons to pass with or sell goods, having paid the duties of customs and excise. See *Customs*, *Excise*.

PERSIA, a great country in Asia, situated between the 41st and 67th degree east longitude, and the 25th and 44th degree of north latitude. In so extensive a country there must be a variety of climate, and a still greater diversity of soil. Upon the whole, it is the most fruitful portion of the globe. All sorts of medicinal drugs and fruits are found there in great perfection; many sorts of wine, rice, and corn. Here are mines also of every sort of metal, except tin.

The manufactures consist of silk, cotton, goats and camels hair, and linen. The carpets known here by the name of Turkey carpets come from Persia; it also produces all sorts of Morocco leather, and skins. The trade with Persia is by land to the Mediterranean Sea, or to Turkey and Russia, which bound it on the north and north-west. If the English manufacturers would study to make articles to suit the taste of the people in these countries, great trade might be carried on; but they do not lay themselves out for so doing, and therefore the trade from this country is but inconsiderable.

PERSONATE, is the representing a person by a fictitious or assumed character, so as to pass for the person represented.

mented. Personating bail is by stat. 21 Jac. I. c. 26, a capital felony. By various other statutes, personating seamen entitled to wages, prize money, &c. is also a capital felony. See *Forgery*, *Fraud*.

PERU, a great country of South America, bounded by Chili on the south, Amazonia on the east, on the north by Popayan, and on the west by the Pacific Ocean. It extends from 1 degree 40 minutes north to 26 degrees 10 minutes south latitude, and from 56 to 81 degrees west longitude.

It is from this country that the Spaniards have collected such amazing quantities of gold and silver, as to reduce the value of the precious metals to less than one-fourth of what they were before the discovery of Peru.

There are mines of quicksilver and platina also found in the same country; the former is used for the purification of gold and silver; and the other, the heaviest and most perfect of all the metals, resists the fire, and is so difficult to work, that it has not yet been brought to answer the purposes either of money or ornament.

The unremitting search after gold, added to the indolence of the Spaniards, have prevented the improvement of this vast country.

PETERSBURGH, or SAINT PETERSBURGH, the capital of the Russian empire, founded in 1703, by Peter the Great, at the mouth of the Neva, where it falls into the gulph of Finland, long. 47 deg. 58 min. lat. 59 deg. 56 min. It contains above 200,000 inhabitants, and is rapidly on the increase.

The manufactures of this city are not numerous, and scarcely sufficient for home consumption. The exports consist in the productions of the Russian empire, for which see *Russia*. Their manner of acting with foreigners is rather singular. Russian merchants come from all quarters to Petersburg with samples of their goods, and enter into regular contract before a notary with the foreign merchant for the due delivery of the goods, and the whole, or at least half the money is paid in advance. Goods imported, on the other hand, arrive at the expence and risk of the importer, who gives one year's credit; so that the Russian merchant receives credit, and gives none, and may therefore turn his capital several times in a year,

whereas those who deal with them cannot do it more than once in 18 months or two years.

PILCHARDS. See *Fisheries*.

PILOT, is the person who, under the master, has the government of the ship. By stat. 3 G. I. c. 13, pilots of ships taking on them to conduct any ship from Dover, &c. to any place up the river Thames, are first to be examined and approved by the Trinity-house; and if any ship be lost through the negligence of a pilot, he shall for ever after be disabled to act in that capacity.

By 7 G. I. stat. 1. c. 21, the lord warden of the cinque ports may by the above act make rules for the government of pilots, and order a sufficient number to ply at sea to conduct ships up the Thames.

By the laws of Oleron, if any pilot designedly misguide a ship that it may be cast away, he shall be put to a rigorous death, and hung in chains. *Leg. Oler.* c. 25. And by the laws of Denmark, an ignorant pilot is sentenced to pass three times under the ship's keel.

Masters of ships shall not oblige pilots to pass through dangerous places, or to steer courses against their wills; but if there be a difference in opinions, the master may, in such case, be governed by the advice of the most able mariners. *Lex Mercat.* 70.

Various acts of parliament have been passed for the regulation of pilots at particular places, as Hull, Liverpool, &c. See *Trinity House*.

PIRATES. By stat. 11 and 12 W. III. c. 7, piracies, felonies, and robberies, committed upon the sea within the cognizance of the admiral, may be examined, inquired of, tried, and adjudged, in any place at sea, or upon the land, in any of his majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose, by commission under the great seal of England, directed to all or any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of his majesty's ships of war; and also to all or any such person or persons, officer or officers, by name or for the time being, as his majesty shall think fit to appoint; which said commissioners shall have full power, jointly or severally, by warrant under the hand and seal of them or any of them, to commit to safe custody persons against whom informations of piracy, robbery,



robbery, or felony, upon the sea, shall be given upon oath, which oath they are empowered to administer, and to call and assemble a court of admiralty on ship board, or upon the land, as often as occasion shall require; which court shall consist of seven persons at the least.

If so many of the aforesaid persons cannot be conveniently assembled, then any three of them (whereof the president or chief of some English factory, or the governor, lieutenant-governor, or member of any of his majesty's councils in any of the plantations or colonies, or commander of one of his majesty's ships, is always to be one) shall have full power and authority to call and assemble any other persons on ship board, or upon the land, to make up the number of seven.

Only known merchants, factors, or planters, or captains, lieutenants, or warrant officers of king's ships, or masters or mates of English ships, are to sit on courts of admiralty. S. 3.

Such courts may issue warrants for bringing offenders before them, and summon witnesses, and examine them on oath, and do all things necessary for hearing and determining, and giving sentence of death, and award execution according to the civil law and the rules of the admiralty. S. 4.

Having taken an oath as prescribed by the act, the president shall administer the same to every member of the said court, and immediately thereupon the prisoner is to be brought formally before them. The registrar is then to read the articles against such prisoner, upon which he is to be tried; wherein shall be set forth the particulars of the piracy, robbery, and felony, with the time and place when and where, and in what manner it was committed; after which the prisoner is to be asked whether he is guilty or not guilty of the robbery, &c. &c.? whereupon the prisoner is to plead guilty or not guilty; or else it shall be taken as confessed, and he shall suffer in like manner as if he had been convicted upon oath of witnesses or his own confession; but should the prisoner plead not guilty, witnesses shall be produced by the registrar, and duly sworn and examined openly in the prisoner's presence; and after a witness has answered all the questions proposed by the president of the court, and given his evidence, the prisoner may have

the witness cross-examined, by declaring to the court what questions he would have asked; the president shall interrogate the witness accordingly; and every prisoner shall have liberty to bring witnesses in his own defence, who shall be sworn and examined upon oath, after which the prisoner is to be fairly heard in his defence; all which being done, the prisoner is to be taken away, and all other persons except the registrar shall withdraw; the court is then to consider of the evidence that has been given, and debate the matters and circumstances of the prisoner's case; the president shall collect all the votes, beginning with the junior first, and ending with himself; and according to the plurality of voices, sentence and judgment shall be then given, and pronounced publicly in the presence of the prisoner. And according to such sentence the prisoner is to be executed, at such time, in such manner, and in such place upon the sea, or within the ebbing and flowing thereof, as the president or major part of the court, by a warrant directed to a provost martial (whom they shall have power to constitute), shall appoint. S. 6.

The registrar of a court of admiralty must be a notary public; and in his absence the president is to appoint one, who shall prepare all warrants and articles, and provide all things necessary for any trial, and shall take minutes of the proceedings, and enter them in a book to be kept by him for that purpose, and shall transmit the same from time to time, with the copies of all articles and judgments given in any court whereof he shall be registrar, to the high court of admiralty of England. S. 7.

British subjects committing any piracy or robbery under foreign commissions, shall be adjudged pirates, and suffer as such. S. 8.

Masters of ships, scamen or mariners, running away with their ship, or any barge, boat, ordnance, ammunition, goods, or merchandize, or yielding them up voluntarily to any pirates; or bringing any seducing message from any pirate, enemy, or rebel; or endeavouring to corrupt any commander, master, officer, or mariner, to yield up or run away with any ship, goods, or merchandize; or turning pirate, or going over to pirates; or any person hindering his commander from fighting in defence of his ship; or confining his master, and endeavouring to make a  
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revolt in the ship, shall be deemed and adjudged to be a pirate, and suffer death as such. S. 9.

Persons fitting out or aiding pirates, &c. adjudged accessories; and knowingly concealing pirates, or knowingly receiving ships or goods piratically taken, adjudged pirates. Accessories to suffer death, loss of lands and goods, as principals. S. 10.

Seamen wounded in defending a ship, and widows and children of the slain, rewarded by an assessment on the owners not exceeding two per cent. on the freight, ship and goods so defended.

A reward of 10*l*. for discovering any combination to run away with a ship of 100 tons and less, and 15*l*. for every ship of greater burthen, to be paid by the commander or master of such ship, to such person as shall first make the discovery. S. 12.

Commissioners may try offences in the colonies, and to be assisted by governors, &c. S. 13.

By stat. 1 Anne, c. 9, wilfully destroying a ship, felony, without clergy; and may be tried at sea as piracy, or in any county limited in the king's commission.

By 4 G. I. c. 11. s. 9, the 11 and 12 W. III. c. 7, is extended to America.

By 8 G. I. c. 24. s. 1, trading with pirates punished as piracy.

Persons forcibly boarding a ship, and throwing the goods overboard or destroying them, although they do not seize and carry off the ship, shall in all respects be deemed and punished as pirates.

Ships fitted out to trade with pirates, with the goods on board, to be forfeited, one-half of which to the king, and the other to the person who makes the discovery.

Accessories to piracy to be tried as principals, and excluded benefit of clergy. S. 3, 4.

Seamen maimed in fight against pirates, to be rewarded and admitted into Greenwich Hospital. S. 5.

Master or seamen not defending a merchant ship carrying guns, against a pirate, or discouraging others, forfeit their wages to the owners, and suffer six months imprisonment. S. 6.

By 18 G. II. c. 30. s. 1, 2, 3, natural subjects or denizens, in time of war, committing hostilities at sea, or in rivers, &c. under commissions from the

enemy, or giving aid to the enemy at sea, or in rivers, &c. may be tried as pirates, or may be tried for high treason.

**PLANTATIONS.** A plantation may be defined as a district, settlement, or colony, frequently an entire island in some foreign part, dependant upon some mother country from whose inhabitants it was originally peopled, or by whom it was originally acquired or conquered.

Plantations or colonies are now used as synonymous terms, and with respect to their interior polity may be divided into three species, viz.

1. Provincial establishments, the constitutions of which depend on the respective commissions issued by the crown to the governors, and the instructions which usually accompany those commissions under whose authority provincial assemblies are constituted, and empowered to make local ordinances not repugnant to the laws of England.

2. Proprietary governments which are granted by the crown to individuals in the nature of feudatory principalities, &c. with express conditions that the purposes for which the grant was made shall be expressly pursued, and that nothing may be attempted derogating from the sovereignty of the mother country.

3. Chartered governments in the nature of civil corporations, with the power of making bye-laws for their internal regulation, not contrary to the laws of the mother country, and with such rights and authorities as are given them specially in their several charters of incorporation.

The form of government in most of the colonies is borrowed from the form of government in the mother country. The British colonies have a governor appointed by the king (or in some proprietary colonies by the proprietor), who is his representative or deputy; they have courts of justice of their own, from whose decision an appeal lies to the king and council; their general assemblies, which are their house of commons, together with their council of state, which is their upper house, with the concurrence of the king or his representative the governor, make laws suited to their own emergencies.

The following is an abstract of the principal acts relative to plantations.

By stat. 7 and 8 Will. III. c. 22, all laws, bye-laws, usages and customs, which shall be in practice in any of the plantations, repugnant to any law made or to be made in this kingdom relative to the said plantations, shall be utterly void and of none effect.

In actions of debt or account between persons residing in Great Britain and others in any of the British plantations, the plaintiff or defendant, and any witness to be made use of in any action or suit, may verify or prove any matter or thing by affidavit in writing upon oath, or if a Quaker upon affirmation, made before any mayor or other chief magistrate of the city, borough, or town corporate in Great Britain, where or near to which the person making such affidavit shall reside, and certified and transmitted under the common seal of such city, &c. or the seal of the office of such mayor; and every oath or affirmation so certified and transmitted shall be of the same force and effect as if the party had appeared and sworn such affidavit in open court, or upon a commission issued for the examination of witnesses; such affidavit must nevertheless contain the addition and place of abode of the party making it. 5 G. II. c. 7. Debts due to his majesty may be proved in same manner. S. 2.

By the fourth section of this act, "houses, lands, negroes, and other hereditaments and real estates within any of the said plantations, belonging to any person indebted, shall be liable to satisfy all debts due to his majesty or any of his subjects, and shall be considered as assets for the satisfaction of the same, in like manner as real estates are by the laws of England, and subject to the same remedies, proceedings, and process in any court of law or equity, in any of the plantations respectively, for disposing of the same towards satisfying debts, and in like manner as personal estates may be sold or disposed of in any of the said plantations for the satisfaction of debts." See *Exports, Imports, Navigation and Plantations*.

**PLYMOUTH**, a large sea-port town on the south coast of Devonshire. Its harbour is one of the safest in the kingdom, and capable of containing one thousand sail, and is well protected by a strong citadel. In time of war outward bound convoys generally rendezvous there, and homeward bound ships put in to take pilots to conduct them up the Channel. There

is a pilchard fishery, and a considerable trade is carried on from it with Newfoundland. There is every convenience for building ships, with excellent wet and dry docks. It is 215 miles from London, and is situated between two rivers, the Plym and the Tamar, and was, till a little before the revolution, only a small fishing town.

**POLAND**, a great country of Europe, formerly a republic, but with a kingly form of government, but now no longer existing as an independent state. In 1772, the first division of the country was made between Russia, Austria, and Prussia; but still a place called Poland was left till 1795, when it was finally and entirely divided amongst the same powers, without an independent spot for a single Pole to stand upon.

Poland is an inland country. It produces great quantities of grain, and an excellent breed of horses, but is not remarkable for its commerce, which is carried on principally from Dantzic, Memel, and Riga. See the article *Warsaw*.

**POLICE SUPREME**. See *Law of Nations*.

**POLICY of INSURANCE**. See *Marine Insurance*.

**PONDICHERRY**, a large town in Asia, in the peninsula on this side of the Ganges, and on the coast of Coromandel. Its trade consists of cotton cloths, silks, pepper, salt-petre, and other merchandizes, brought from Bengal. The harbour is good, and the place fortified so as to protect the vessels which lie in it. It is more of a warlike station than a place for trade.

**PORT**, a harbour where ships arrive with their freight, and where customs are paid for goods. The ports in England are London, Ipswich, Yarmouth, Lynn, Boston, Hull, Newcastle, Berwick, Carlisle, Chester, Milford, Cardiff, Gloucester, Bristol, Bridgewater, Plymouth, Exeter, Poole, Southampton, Chichester, and Sandwich, all which are declared to be free ports. To these ports there are certain members belonging, and a number of creeks where officers are usually stationed by way of prevention of frauds in the customs; but these are not lawful places of exportation or importation, without particular license from the port or member under which they are placed. See *Docks, Harbours*.

**PORIERAGE**. By stat. 39 G. III. c. 58, to remedy  
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the exactions, abuses, and disputes, arising from the charges made by inn-keepers and carriers for delivering parcels, &c. it is enacted,

That no inn-keeper, warehouse-keeper, or other person, to whom any box, basket, package, parcel, truss, game, or other thing whatsoever, not exceeding fifty-six pounds weight, or any porter or other person, employed by such inn-keeper, warehouse-keeper, or other person, in the portorage or delivery of any such box, parcel, &c. within the cities of London, Westminster, or Southwark, and their respective suburbs, and other parts contiguous, not exceeding the distance of half a mile from the end of the carriage pavement, in the several streets and places within the above-mentioned limits, shall ask or demand, or receive or take, in respect of such portorage or delivery, any greater rate or price than as follows :

*Distances.*

Not exceeding a quarter of a mile,	three-pence.
Ditto ditto, half a mile,	four-pence.
Ditto ditto, one mile,	six-pence.
Ditto ditto, one mile and an half,	eight-pence.
Ditto ditto, two miles,	ten-pence.

For every further distance, not exceeding half a mile, three-pence additional. S. 1.

Persons asking or receiving more than the above rates, shall, for every such offence, forfeit a sum not exceeding 20s. nor less than 5s. S. 2.

Before any parcel shall be sent from the inn, warehouse, &c. there shall be made out and given to the porter or other person employed in the delivery thereof a card or ticket, whereon shall be distinctly printed, written, or marked, the name and description of the inn, warehouse, or other place, from whence the same is sent, and the sum due for the carriage thereof, and also the sum due for the portorage or delivery thereof, according to the rates above-mentioned, and the christian and surname of the porter or other person employed in such delivery, which card or ticket shall be delivered by the porter or other person employed with such parcel, under penalty not exceeding 40s. nor less than 5s ; and any porter not leaving such card or ticket, or wilfully altering, obliterating, or defacing the same, shall for every such

offence forfeit 40s. ; or any porter asking, demanding, or receiving any larger sum for the carriage of such article than is written or expressed as aforesaid, shall forfeit the sum of 20s. for every such offence. S. 3.

Every parcel, &c. brought to any inn, warehouse, &c. by any public stage-coach or carriage, other than stage-waggons, for the purpose of delivery within the limits aforesaid (except where the same shall be directed to be left till called for), shall be delivered according to the direction thereof within six hours after its arrival at such inn, warehouse, or other place, unless such arrival shall be between the hours of four in the evening and seven in the morning, and in that case every such delivery shall be made within six hours after such hour in the morning, under penalty of any sum not exceeding 20s. nor less than 10s. S. 3.

Every parcel, &c. brought to any inn, warehouse, &c. by any public stage-waggon, for the purpose of delivery within the aforesaid limits, except where directed to be left till called for, shall be delivered twenty-four hours after arrival, under penalty of not more than 20s. nor less than 10s. S. 4.

Every parcel, &c. directed to be left till called for, shall, upon demand of the person properly authorized to receive the same, be delivered to such person without any charge or deduction whatsoever, other than what is justly due for the carriage thereof, and the additional sum of two-pence for the warehouse room thereof ; and if the same be not delivered to such person upon such demand, or any charge other than as aforesaid be made or received in respect thereof, every inn-keeper, warehouse-keeper, &c. to whose inn, warehouse, &c. such parcel shall be brought, shall forfeit for every such offence or overcharge a sum not exceeding 20s. nor less than 10s. S. 6.

If such parcel, &c. so left to be called for, be not sent for within one week after the same shall have been brought to such inn, the inn-keeper, warehouse-keeper, &c. may charge one penny per week for warehouse room S. 7.

If any such parcel, &c. not directed to be left till called for, shall, before the same shall be sent for delivery from such inn, warehouse, &c. be demanded by any person lawfully authorized to receive the same,

such



such parcel shall be thereupon delivered to such person so demanding the same; and it shall in such case be lawful for such inn-keeper, &c. to charge and take the sum justly due for the carriage thereof, and also the sum of two-pence for the warehouse room thereof; but if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, such inn-keeper, warehouse-keeper, &c. shall forfeit for every such offence any sum not exceeding 20s. nor less than 10s. S. 8.

For preventing misbehaviour in persons employed to deliver parcels or other thing, upon any complaint made of any non-delivery, neglect, misconduct, or misbehaviour in such employment, the parties offending may be brought before any justice of the peace within whose jurisdiction the offence has been committed, or the offender shall reside, who may impose a fine or penalty upon such porter or other person, not exceeding the sum of 20s. nor less than 5s. S. 9.

Persons neglecting to pay to the porters, or other persons employed by them, the money justly due for carriage and portage, according to the before-mentioned rates, may be brought before a justice, who, upon proof made thereof upon oath, may award reasonable satisfaction to the party grieved, for his damage and costs, and for his loss of time in recovery of the same; and in case of non-payment the magistrate may levy the same by distress. S. 10.

Informations upon this act to be laid within fourteen days. S. 11.

This act not to authorize the employment of any porter contrary to the usage of the city of London. S. 12.

The remaining sections of this act relate to the recovery and application of penalties, enforcing the attendance of witnesses, allowing an appeal to the quarter-sessions, &c.

**PORTERS, TACKLE-HOUSE** (who have ticket-porters under them), are regulated by the city of London. They have the privilege of performing the labour of unshipping, landing, carrying, and housing the goods of the South-Sea company, the East-India company, and all other goods, except from the East Country, the produce of the British plantations and

Ireland, and goods coastwise. They give bond for 500l. to make restitution in case of loss or damage, and are limited to rates regulated by the city of London.

**PORTERS, TICKET**, who are upwards of a thousand, are persons appointed by the city of London, and have granted to them the exclusive privilege of unshipping, landing, and housing pitch, tar, soap, ashes, wainscot, fir, poles, masts, deals, oars, chests, tables, flax, and hemp, brought to England from the East Country; also iron, cordage, and timber, and all goods of the produce of Ireland and the British plantations, and all goods coastwise (except lead). They give security in 100l. for fidelity, and have their names and numbers on a metal badge. In performing the labour of the port, if ticket-porters are not at hand, the tackle-porters may employ any person that offers. **PORTO BELLO**, a city on the north coast of South America. Before this place was taken by an English squadron under Admiral Vernon in 1749, it was, notwithstanding its baneful climate, a very flourishing place; but the commerce of the New World is now transferred to Panama.

**PORTO RICO**, an American island, one of the Antilles. It carries on no trade, and only cultivates sugar, coffee, &c. enough for its own consumption. There are not above 3000 negroes in the colony, and about half the number of Spaniards and mulattoes. Its chief utility is as a watering place for the fleets that annually sail from Spain to South America.

**PORTSMOUTH**, a sea-port town on the south coast of England, with a very commodious and well fortified harbour. A great part of the royal navy is built here, and the dock-yards are the best fitted and furnished with materials for the construction of ships of any in England. It is situated on the island of Portsea, which is divided from the land at one part only by a river, over which there is a draw-bridge. The fortifications, which surround the whole of the docks and arsenal, are the most complete of any in the kingdom. They were begun by Edward IV. and have been successively improved by Richard III. Henry VII. Henry VIII. Queen Elizabeth, and all the monarchs since her time. It is a place of very little trade. It belongs to Hampshire, and is the principal rendezvous in time of war for the ships outward

outward bound, though they sometimes rendezvous at Plymouth. See *Spithead*.  
**PORTUGAL**, the most westerly portion of the continent of Europe, bounded on the east, north, and south by Spain, and on the west by the Atlantic Ocean.

After Spain, the Portuguese were the first who acquired wealth by possessions in the New World; but, like it also, Portugal has fallen to decay. The agriculture of Portugal is in a wretched state, though the soil is good, and the climate excellent; and, except wine and some fruits, its exports are to a small amount, unless we count the immense quantities of bullion which annually come from thence, in exchange for our manufactures. Port and Lisbon wines are exported in great quantities, particularly to this country; in return for which, fruits, gold, and silver, we send woollen cloth, hard wares, and almost every article of English manufacture, having entered into and maintained a most advantageous treaty with it ever since 1703. See *Treaties*.

**POST OFFICE**. The outline of the present beneficial and regular plan originated amidst the confusions and interruptions which the civil war necessarily occasioned in the conduct of the letter office. The author of the plan was Mr. Edmund Prideaux, who was appointed attorney general to the commonwealth after the murder of King Charles. This gentleman was chairman of a committee in 1642, for considering what rates should be set upon inland letters; and afterwards appointed postmaster by an ordinance of both the houses; in the execution of which office, he first established a weekly conveyance of letters into all parts of the nation, thereby saving to the public the charge of maintaining postmasters to the amount of 7000*l.* per annum.

An opposition to this office was attempted, in consequence of the great emoluments resulting from it, by the common council of London; but this was checked by a resolution of the house of commons, declaring that the office of postmaster is, and ought to be, in the sole power and disposal of the parliament. In 1654 a regular post-office was erected by the authority of the Protector and his parliament.

Various acts have from time to time been made in succeeding reigns for the regulation of the post-office;

of these the following are extracts of the most important. By a warrant from one of the secretaries of state, letters may be opened. 1 *Comm.* 322. n. 28. But, by 9 Anne, c. 10. s. 42, if any person shall, without such authority, wilfully detain or open any letter or packet delivered to the post-office, he shall forfeit 20*l.* and be incapable of future employment in the post-office. It has however been decided, that no person is subject to this penalty but such as are employed in the post-office. 5 *Term Rep.* 101. Also any person in the employment of the post-office stealing any bank note out of a letter is guilty of felony.

No action can be maintained against the post-master-general for the loss of bills or articles sent in letters by the post and lost: and in an action brought against Lord Le Despenser and Mr. Carteret, post-master-general in 1773, to recover a bank note of 100*l.* which had been sent by the post and was lost, Lord Mansfield delivered the opinion of the court, that there was no resemblance nor analogy between the post-masters and a common carrier; and that no action, for any loss in the post-office, could be brought against any person except him by whose actual occurrence such loss accrued. *Cowp.* 754, 765. Upon this account, it is recommended by the secretary of the post-office to cut bank notes in two, and to send one half by one post, and the other after receipt of the former. This is the only safe method of transmitting bank notes, as the bank would never pay the holder of that half which had been fraudulently obtained.

Many attempts have been made by postmasters in country towns to charge a halfpenny or penny each letter on delivery at the houses in the town above the parliamentary rates, under pretence that they were not obliged to carry letters out of the office gratis: but it has been repeatedly decided, that such demand is illegal, and that they are bound to deliver the letters to the inhabitants within the usual and established limits of the town, without any addition to the rate of postage. 5 *Burr.* 2709. *Cowp.* 182.

Persons till lately were, if well known, permitted to have back any letter put in, if required; but, by an order of June 1802, the masters of the receiving houses are ordered not to return letters on any pretence whatever.

*Two-penny Post.* By stat. 41 G. III. c. 7. s. 3, every letter originally sent by the post heretofore known by the name of the Penny Post, and not first passing by the general post, the postage whereof shall not be paid on putting the same into the office of the said post, there shall be paid for the conveyance of every letter sent from any place within the cities of London and Westminster, and the respective suburbs thereof, the sum of two pence; for the conveyance of every letter put into such last-mentioned office to be forwarded by the general post, the sum also of two pence.

By 41 G. III. c. 7. s. 9, letters and packets conveyed by packet boats from Holyhead to Milford Haven, to or from any ports in Ireland, over and above all the rates payable for such letters or packets, shall pay a packet postage, for every single letter two pence, double letter four pence; for every treble letter, or other letter less than an ounce in weight, eight pence; and so in proportion for every letter or packet exceeding an ounce in weight.

This act not to alter the rates of postage upon single letters by or to seamen, made payable by 35 G. III. c. 53; nor the manner of charging for patterns of cloth under that act.

The following is the clause of 35 G. III. c. 54, above alluded to: Every packet or cover containing therein, or having affixed thereto, one or more paper or papers with patterns, or one or more pattern or patterns of cloth, silk, stuff, or other goods, or one or more sample or samples of any other sort of thing not exceeding an ounce in weight, shall be chargeable and charged with no higher rate of postage than a single letter, so as every such packet or cover shall be sent open at the sides, and without any letter or writing in, upon, or with such packet or cover, other than the name or names of the person or persons sending the same, and the place or places of his or their abode, and the prices of the articles contained therein, or affixed thereto.

The remaining sections of 41 G. III. c. 41, relate merely to the appropriation of the rates and the internal administration of the post-office.

By stat. 42 G. III. no person or persons whatsoever shall send, or cause to be sent or conveyed, otherwise than by the post, or by authority of the postmaster-general, or his deputies, or to the nearest or most convenient post-town, to be from thence

forwarded by the post, any letter or packets of letters, on pain of forfeiting for every offence 5l. to be recovered, with full costs of suit, by any person who will inform and sue in any court of record at Westminster, one moiety to the use of the king, and the other to the informer.

Under this law, a person carrying a letter may inform against the person sending it.

There is an exception in the act as to letters which concern goods sent by common carriers, so as they are sent with and for the purpose of being delivered with the goods without hire or reward, profit or advantage for receiving or delivering; also as to letters sent on board ships or vessels of merchandize, which shall concern the cargo therein only, so as such letters be delivered without hire, reward, or advantage.

Also all commissions, or return thereof, affidavits, writs, process, or proceedings, or return thereof, issuing out of any court; but the letters in which such proceedings are sent, must not relate to any other business.

And an exception, as to letters sent by any private friend or messenger on purpose.

*Postage of Ship Letters.* By 39 G. III. the postmaster-general and his deputies are authorized to collect and receive letters and packets of letters, directed within his majesty's dominions, and also to any of the kingdoms and countries beyond the seas, and to forward the same by any ships or vessels that he in his discretion shall think fit (although no packet boats), and for the conveyance of such letters, may demand and take a sum not less than one-half part of the duties payable by law for such letters and packets, as if the same were conveyed by packet boats; and in cases where no rate of postage is already established, to demand and take for such letters and packets rates, as near as the same can be ascertained, equal to one-half what is now paid for letters sent beyond the seas.

Such letters so sent to be conveyed by inland postage or carriage, to pay 4d. for every single letter; and so in proportion for packets, in addition to any inland or internal postage which may arise upon the inland conveyance of such letters and packets.

The postmaster-general may allow two pence per letter or packet upon all such letters and packets as they shall have or take on board; provided such letters, &c. shall have been delivered to them from the post-office; and in like manner on their arrival from

From parts beyond the seas, on their delivering to the deputy or deputies of the postmaster-general for such place or post town at which they shall touch or arrive, it shall be lawful to pay such masters of ships and vessels two pence a letter or packet for all such letters as they shall have on board; provided that such letters and packets shall have been regularly delivered unto the masters by the deputies of the postmaster-general, or any other persons to be authorized by him, at the place or post town from whence such ships have sailed.

Daily attendance is given at the general post office at all hours, and information furnished to the public of the several vessels about to sail from London and the out ports for places abroad.

**POWDER, GUN.** See *Gunpowder*.

**POWER.** See *Authority, Agent, Broker, Factor*.

**POWER OF ATTORNEY,** an instrument or deed whereby a person is authorized to act for another, either generally or in any specific transaction. By this instrument, a merchant resident abroad empowers and authorizes his agent to accept or negotiate bills of exchange, make contracts in the name and upon the responsibility of his principal. A power of attorney is, in its nature, revocable, and its revocation may also be either general or special. See *Agent, Broker, Deed, Factor, &c.*

**PREMIUM, RETURN.** See *Marine Insurance*.

**PRISONS,** places of confinement for persons guilty of offences, or for debtors. Each county has a prison, where persons taken within its limits are committed. There are also prisons belonging to the courts of King's Bench, Common Pleas, Marshalsea, &c. The Fleet is a prison belonging to the courts of Chancery, Exchequer, and Common Pleas, to which debtors may remove themselves by a writ of *habeas corpus* from any other prison, at the expence of 5l. 5s. It contains 125 rooms, besides a common kitchen, coffee and tap room. At times, on account of the number of prisoners, two or three are obliged to live in one room. Those who can afford the expence pay their companions off, and thus have a room to themselves. Each person so paid off receives 4s. a week. The prisoner pays 1s. 3d. a week for his room without furniture. During the four terms, when the court sits, prisoners on paying 5s. for the first and last day, and 4s. 6d. every other

day, and on giving security, are allowed to go out; and also may, on furnishing two securities to the warden for their debts, and paying 5l. 5s. per cent. on the first 100l. and 2l. 12s. 6d. per cent. on every succeeding 100l. of their debts, obtain and reside in the rules of the prison, which extend from Fleet-market to the London coffee-house, and from Ludgate-hill to Fleet-lane.

The King's Bench is, in most respects, like the Fleet prison, but larger: there are nearly 300 rooms in this prison; but the number of people are proportionably great. The rules are more extensive, but the charges for procuring them are double to the Fleet; and a prisoner in the inside can only go out one day in each term, or four days in the year.

Ludgate is a prison for debtors who are freemen of the city; and

Giltspur-street and the Poultry are prisons for debtors in the city of London. In these gaols the prisoners receive a daily allowance of bread, and at certain periods meat and coals.

Newgate, part of which prison is appropriated for debtors for the county of Middlesex, who also receive a daily allowance of bread, and at certain periods meat and coals. To the disgrace of a civilized nation, in contradiction to justice, humanity, and common sense, there are fees to pay in going in and coming out of this and all the other prisons. In the Bench and Fleet, such fees may be allowable when prisoners move themselves into them by choice; but, with regard to county gaols, where persons are committed by force, and remain through incapacity to pay their just debts, it is impossible to contemplate a more unjust or oppressive operation of the law. See *Magna Charta*, and *Habeas Corpus*.

**PRIVATEERS,** private ships of war, sailing under a commission from the admiralty.

By stat. 33 G. III. c. 68. s. 9, the lords of the admiralty shall, at the request of any owner or owners (whom they may deem duly qualified) of any ship or vessel, registered pursuant to act of parliament, upon proper security, cause to be issued commissions or letters of marque, and all captures made by such private ship or vessel shall belong to the owners of such vessel, and the persons on board the same, in such shares and proportions as shall be agreed upon with the owners, their agents or factors.



Private ships of war under convoy are not to share in any prizes captured by his majesty's ships of war, unless they shall have received orders from the commander of the convoying ship to chase, or otherwise act hostily against the enemy, and been actually aiding and assisting in such capture. S. 12.

By stat. 33 G. III. c. 66, persons applying for letters of marque must make such application to the admiralty in writing, setting forth a true and particular description of the ship for which such letter of marque is requested, specifying her name and burthen, built, number and nature of the guns on board her, names of her owner, and the number of men intended to be put on board the same; all which particulars shall be inserted in every commission or letter of marque to be granted in pursuance of this act: and every commander of such privateer shall produce such commission to the collector, customer, or searcher of the customs belonging to the port where such vessel shall be first fitted out, or to his lawful deputy, who upon inspecting the same, and finding the said private ship of war to agree with the description contained in the commission, shall give a certificate thereof under his hand to such commander, which certificate shall be deemed a necessary clearance before such ship shall be permitted to sail from that port: and every commander of such privateer departing without such certificate, or proceeding upon a cruise with a force inferior to that specified, every such commission or letter of marque shall be null and void, and the commander shall forfeit 1000*l.* to any person who will sue for the same, and be imprisoned for such time as the court shall direct, not exceeding one year for any offence. S. 15.

Collectors of the customs granting false certificates to forfeit their office, be incapable of holding any office under government, and forfeit 100*l.* one moiety to the informer, and one moiety to the treasurer of the Merchant Seamen's Hospital. S. 16.

The burthen of such ship or vessel so to be certified to be ascertained by her certificate of registry, which said certificate shall be produced to the lords of the admiralty previous to the issuing of the commission. S. 17.

Every ship and vessel for which such commission or letter of marque shall be granted, and while the

same shall remain in force, but no longer, shall be deemed and taken to be licensed pursuant to the act of the 24th Geo. III. c. 47, for the more effectual prevention of smuggling in this kingdom, although the owner thereof shall not have been furnished with the license required by the said act. S. 18.

Owners or commanders of privateers, guilty of offences contrary to acts of parliament for the protection of the customs or excise, or for the prevention of smuggling, to forfeit the commission or letter of marque, besides all other penalties and forfeitures which shall be incurred by reason of such offence. S. 19.

Letters of marque may be revoked by the admiralty; notice to the owners or commanders thereof of such revocation to be given by the secretary to the admiralty with all convenient speed. S. 20.

All offences committed on board privateers may be punished by court martial in such manner as similar offences committed on board his majesty's ships of war. S. 21.

Commanders of letters of marque going into any of the ports or harbours in the colonies or plantations of America, to be subject to the colonial laws and regulations. S. 22.

Privateers ransoming their captures, the letters of marque shall be forfeited, and the commander shall suffer such penalties of fine and imprisonment as the court of admiralty shall adjudge.

Five pounds per man shall be paid for every man who was living on board any ship or vessel, taken, burnt, sunk, or destroyed, at the beginning of every attack or engagement between them; the number to be proved by the oaths of three or more of the chief officers or men of the said ship or privateer of the enemy. S. 40.

Ships belonging to any of his majesty's subjects, recaptured from the enemy by any privateer, one sixth part of the value of such recapture shall be paid to the owners, officers, and seamen of such privateer, to be divided between them, in such manner and proportions as shall have been previously agreed upon.

By stat. 38 G. III. c. 11, the commanding officer of every ship having a commission or letter of marque, shall keep a regular journal, containing a true and exact account of his daily transactions and proceedings

with such ship and the crew thereof, the ports or places he shall put into or cast anchor in, the time of his stay there, and the cause thereof, the prizes he shall take, the nature and probable value of such prizes, the times and places when and where taken, and how and in what manner he shall dispose of the same, the ships or vessels he shall fall in with, the times and places when and where he shall meet with them, and his observations and remarks thereon; also of whatever else shall occur to him or any of his officers or mariners, or to be discovered or found out by examination or conference with any mariners or passengers of or in any other ships or vessels, or by any other ways or means whatsoever, touching or concerning the fleets, vessels, and forces of the enemy, their ports and places of station and destination, strength, numbers, intents, and designs: and such commanding officer shall, immediately on his arrival in any port of this kingdom, or of any other of his majesty's dominions, from or during the continuation of any voyage or cruize, produce his commission for such ship or vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and hand-writing, to the collector, comptroller, or other chief officer of the customs at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being; and such collector, &c. shall immediately on arrival order the surveyor, or other water-guard officer, to go on board, and take an account of his officers and men, the number and nature of the guns, and whatever else shall occur to him, on examination, material to be known by the lords of the admiralty; and no such ship shall be permitted to sail out of port again, after such arrival, until such journal shall have been delivered up, and a certificate obtained under the hand of such collector, &c. that she is manned and armed according to her commission, which certificate is to be given gratis; and upon delivery of this, the former certificate of the like nature shall be given up. Collector granting fraudulent certificates to forfeit his office, be incapable of holding any other office under government, and also forfeit 100*l.* one moiety to the informer, and the other moiety to the treasurer of the Merchant Seamen's Hospital.

The captain of a letter of marque, in case of falling

in with any of his majesty's ships of war or of revenue, shall produce to the commanding officer his said journal, commission, and the certificate given by the collector, &c. and the commanding officer of such ship of war or revenue shall make a memorandum in such journal of the day in which it was so produced to him, and shall subscribe his name to it: and in case such letter of marque shall put into any foreign port where there is a British consul, or other chief British officer, the captain shall produce such journal, &c. to such consul or British officer; and such captain or British consuls shall and may go on board and number the officers and crew, and examine the guns, arms, and ammunition; and if the same shall not correspond with the commission and certificate respectively, such captain or British consul, &c. shall forthwith communicate the same to the secretary of the admiralty. S. 9.

Commanders of letters of marque neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating any material transactions, where his majesty's interest is in any manner concerned, or refusing to produce such journal, commission, or certificate, pursuant to the preceding clause; in each of the said cases, the commission or letter of marque to be null and void, and such captain, &c. shall forfeit for every such offence the sum of 500*l.* one moiety thereof to Greenwich Hospital, and the other moiety to the person who shall sue for the same; and any captain taking a false oath on delivering such journal, shall be guilty of perjury.

By stat. 33 G. III. c. 34. s. 13, privateers which shall be found at sea, or in port, or at any distance from the coast, having on board any foreign brandy, or other foreign spirituous liquors, in any vessels or casks which shall not contain 60 gallons at the least, except only for the use of the seamen, not exceeding two gallons for each seaman, or any tea exceeding the quantity of six pounds weight, or any goods whatever which are or may be liable to forfeiture upon being imported into Great Britain, then not only such goods, but the ship or vessel on board which they shall be found, with all her guns, furniture, ammunition, tackle, and apparel shall be forfeited and lost, and the letters of marque, or general reprisals, or

any other commissions for such ship or vessel, shall be null and void.

**PRIVILEGE**, a particular exemption from the operation of a law, or a certain exclusive right granted to an undividual, either for a time permanent, or for a certain period. Thus persons attending courts of justice for the purpose of giving evidence, are privileged from arrest; as are also bankrupts during their attendance upon the commissioners. Particular privileges are also granted to foreigners serving for a certain period in the army or navy, or employed in the fisheries. See *Arrest, Bankruptcy, Fisheries, Witnesses*.

**PRIZES** are ships, stores, &c. captured from the enemy, the produce of which, by various statutes, is directed to be divided in certain proportions amongst the captors. The prize courts in the admiralty, and the courts of lords commissioners of appeals, have the sole and exclusive jurisdiction over the question of prize or no prize, and *who* are the captors; and if they pronounce a sentence of condemnation, adjudging also who are the captors, the courts of law cannot examine the justice or propriety of it, even though they would have put a different construction on the prize acts, and the power to enforce their duties.

**PRIZE AGENCY**. The various abuses in every branch of the naval department, not less injurious to the public revenue, than to that respectable class of individuals who constitute the bulwark of the nation, have attracted the consideration of the earl of St. Vincent, who, with laudable perseverance and genuine patriotism, has introduced an investigation into the navy, which might be advantageously followed up in various other branches of public expenditure. By stat. 43 G. III. c. 16, reciting, that it is highly expedient for the public service that an inquiry should be made, by commissioners specially appointed for that purpose, into any irregularities, frauds, or abuses, which are or have been practised by persons employed in the several naval departments herein-after mentioned, and in the business of prize agency; and enacts that Sir Charles Morrice Pole, baronet, Hugh Leicester, Ewan Law, John Ford, and Henry Nichols, esquires, shall be constituted commissioners for making the inquiries intended by this act; and that the said commissioners, or any three of them, shall examine into and investi-

gate all such corrupt and fraudulent practices, irregularities, frauds, and abuses, or other misconduct, as may be found to exist in any of the several offices or departments herein-after mentioned, or to have been practised or committed by persons concerned in managing, conducting, or transacting the business thereof respectively, or employed in any manner therein, either at home or abroad; that is to say, the office of the commissioners for executing the office of lord high admiral of the united kingdom of Great-Britain and Ireland, the several offices and departments of the commissioners of his majesty's navy, the treasurer of his majesty's navy, the commissioners for victualling his majesty's navy, the commissioners for taking care of sick and wounded seamen and sick prisoners of war, the commissioners for transports and prisoners of war, the commissioners for the receipt of six-pence a month paid by all seamen in the merchants' service for the use of Greenwich hospital, the office for the receipt and management of the monies paid on account of the chest at Chatham, his majesty's several dock yards and naval yards in the counties of Kent, Hants, and Devon respectively, or elsewhere within his majesty's dominions, and the office of inspector general of naval works, the royal and naval hospitals for seamen at Haslar and East Stonehouse or elsewhere within his majesty's dominions, and the late prisons for prisoners of war, prison ships, prison hospitals, and prison-ship hospitals, in the said counties of Kent, Hants, and Devon respectively, or elsewhere; or in the business of prize agency; and the said commissioners shall, from time to time, report and certify their proceedings, in writing, under the hands and seals of them, or any three of them, to the king, and both houses of parliament, upon each office and department, and upon the business of prize agency respectively, specifying the nature of such malpractices, irregularities, frauds, or abuses, as they may have discovered or investigated; adding, at the same time, such observations as shall occur to them, and such plans either for correcting and improving, or for abolishing or regulating any of the said departments or offices, or for regulating the business of prize agency, as may appear to them to be proper to be adopted for the time to come.

2. The commissioners herein-before named, or any

three of them, are authorized to sit, from time to time, in such places as they shall find most convenient, with or without adjournment; and to send their precepts, for any person whomsoever, and for such books, papers, writings, or records, relating to any of the offices or departments herein-before mentioned, or to any contracts, dealings, or transactions, with the said offices or departments, or to the business of prize agency, as shall be necessary for carrying into execution the purposes of this act; all which persons are required punctually to attend the said commissioners at such times and places as shall be by them appointed; and such persons as shall so be sent for, shall have such costs and charges as the said commissioners shall think fit.

3. The said commissioners, or any three of them, may examine upon oath, or affirmation of persons being Quakers, all persons whom they shall find occasion to call before them, to be examined touching all matters and things necessary for the execution of the powers vested in them by this act.

4. If any person or persons so summoned to appear before the said commissioners, shall wilfully neglect or refuse to appear before the said commissioners, or any three of them, or to produce any accounts, books, papers, writings or records, relating to any of the said offices or departments, or to any contracts, dealings, or transactions with the said offices or departments, or to the business of prize agency, that shall be in their possession, custody, or power, and which they shall have been required by such summons to produce, or shall refuse to be sworn or affirm, or being sworn, or having affirmed, shall refuse to answer any question, on oath or affirmation, concerning any matter relating to the several offices or departments above mentioned, or any contracts, dealings or transactions with them, or any of them, or to the business of prize agency, the said commissioners are hereby authorized and empowered to issue their warrants under their hands and seals, for apprehending any such persons, and committing them to such prison as the said commissioners, or any three of them, shall think fit, there to remain, without bail or mainprize, until they shall submit to be examined, touching and concerning all matters and things necessary for the execution of the powers given

by this act, or to make such production as aforesaid, as the case may be.

5. Provided always, that no person shall be compellable to answer any question, or to produce any account, book, paper, or writing, the answer to which, or the production of which, may criminate or tend to criminate such person, or to expose such person to any pains or penalties.

The sixth section prescribes the form of the oath of the commissioners.

Persons giving false evidence, shall be subject to the penalties for corrupt perjury. S. 7.

Vacancies of commissioners may be filled up by his majesty. S. 8.

9. The said commissioners may appoint and employ such clerks, messengers, and officers, as they shall think meet, and administer an oath for true and faithful demeanour in all things relating to the due performance of the trust reposed in them by the said commissioners, and in all other things touching the premises, without taking any thing for such their service other than such salary or reward as the said commissioners shall appoint in that behalf; and the lords commissioners of the treasury, or lord high treasurer for the time being, are authorized to issue and cause to be paid any sums of money not exceeding two thousand pounds, to such persons as the said commissioners shall by writing under their hands direct, out of the consolidated fund; which sums so paid shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner and in such proportions as shall be appointed by the said commissioners.

By sec. 10, action to be brought within six calendar months; and if the plaintiff shall become nonsuited, or judgment shall be given for the defendants, such defendants shall recover treble costs.

By sec. 11, this act may be altered, varied, or repealed, by any act to be passed in this present session of parliament.

By sec. 13, this act shall continue in force for the space of two years, and from thence to the end of the then next session of parliament.

PRIZE GOODS. By the stat. 33 Geo. III. c. 34, intituled



titled An act for the relief of the captors of prizes with respect to the bringing and landing certain prize goods in this kingdom, the several powers therein mentioned are continued by 43 Geo. III. c. 12. s. 2, until the 1st day of January 1804. See *Importation*.

**PROCURATION.** See *Power of Attorney*.

**PROMISSORY NOTE.** A promissory note is a written promise for payment of a specific sum of money at a certain time, deriving its existence and privileges from the 3 and 4 Anne, c. 9. The person who subscribes the note is called the maker, the other parties are the same as those to bills of exchange; and those instruments are placed by the stat. with respect to time when payable, days of grace, and mode of payment, precisely upon the same footing as bills of exchange.

In the case of *Heylin v. Adamson*, lord Mansfield observed, that although while a promissory note continues in its original shape of a promise from one man to another, it bears no similitude to a bill of exchange; yet when it is indorsed, the resemblance begins, for then it is an order by the indorser upon the maker of the note to pay to the indorsee; the indorser becomes as it were the drawer, the maker of the note the acceptor, and the indorsee the payee. The above point of resemblance once fixed, the law relative to bills becomes usually applicable to promissory notes.

*Bills or notes how far to be considered as payment.*—If the seller of goods takes notes or bills for them, without agreement to run the risk of such notes being paid, though such notes be of no value; this will not be considered as payment. *Owenson v. Morse*, 7 T. R. 64. But checks similar to those given by merchants at Liverpool, and other commercial places, from their bankers there, directing them to pay a sum of money in a bill at a given date, have not any legal efficacy as negotiable instruments, the essence of which is, that they shall be for the payment of money.

See *Bills of Exchange*, *Bankruptcy*, *Checks*, *Utance*, *Usury*.

**PROOF** is the shewing the truth of any thing either by oath of the party or by witnesses; it is also applied in cases of bankruptcy, where the creditor sub-

stantiates his title to a debt. See *Bankruptcy Evidence*.

**PROPERTY** is the right or interest which a person has in any thing which he has either in possession or reversion, and for the infringement of this right, the law gives a specific remedy to the party injured. No man is to deprive another of his property, or disturb him in enjoying it.

All persons must so use their right, that they do not, in the manner of doing it, damage their neighbour's property.

An executor or administrator hath the property of the goods of the deceased, but a servant hath neither a general nor special property in his master's goods; therefore to take them from his master may be either a trespass or a felony, according to the value, and other circumstances. A carrier also hath such a qualified property in goods entrusted to his care, that if they are unlawfully taken from him, he may bring an action to recover it.

**PROTECTION FROM IMPRESSING** is a privilege allowed to certain persons to be exempt from being impressed. This is granted to apprentices to the sea service, persons employed in the fisheries, coasting trade, &c. See *Apprentice*, *Fisheries*, *Impressing*.

**PROTEST** is that act by which the holder of a foreign bill of exchange declares that such bill is dishonoured. Protest is also that act of a master, on his arrival with his ship from parts beyond the seas, to save him and his owners harmless and indemnified from any damage sustained in the goods of her lading, on account of storms, &c. See *Bills of Exchange*, *Insurance*, *Shipping*.

**PROVISIONS.** By the act of 39 Geo. III. c. 87, a discretionary power is vested in his majesty, to authorize, by order of council, the free import, and to prohibit the export of certain articles of provision; which power is continued (by 41 Geo. III. c. 5) till 40 days after the commencement of the first session of parliament that shall be holden after 1st of September 1801. The following are the regulations:

1. Whatever may be the general average price of corn, the exportation from England and Scotland respectively, may be prohibited of any British or foreign wheat, rye, barley, beer or big, peas, beans, oats,

oats, or any meal or flour, or bread, biscuit, or malt made thereof, or any Indian corn or maize, or meal or flour made therefrom; and likewise the importation generally of any such articles may be permitted in any British vessel, or in vessels belonging to states in amity and navigated in any manner, without payment of any duty whatsoever; and the said articles may likewise, under such permission, be carried coastwise.

2. His majesty may likewise, by order in council, permit the importation into Great-Britain from any place whatsoever, in British or other vessels in amity and navigated in any manner, kidney or French beans,

tares, lentiles, callivances, and all other sorts of pulse; and also bulls, cows, oxen, calves, sheep, lambs, and swine; beef, pork, mutton, veal and lamb, whether salted or otherwise; bacon, hams, tongues, butter, cheese, potatoes, rice, sago, sago powder, tapioca, vermicelli, millet seed, poultry, fowls, eggs, game, and sour crout, without payment of any duty; but such articles must be regularly entered, or else they will be forfeited. By stat. 43 Geo. III. c. 12, the above act is continued till January the 1st, 1804.

PUBLIC LAW. See *Law of Nations*.

PURCHASE. See *Bargain and Sale*.

## Q.

### Q U A

**QUAKERS.** By 7 and 8 W. III. c. 27, and 8 G. I. c. 6, quakers making and subscribing the declaration of fidelity, mentioned in 1 W. and M. shall not be liable to the penalty against others refusing to take such oaths; and not subscribing the declaration of fidelity, &c. they are disabled to vote at the election of members of parliament.

By st. 7 and 8 W. III. c. 34, made perpetual by st. 1 G. I. c. 6, quakers where an oath is required are permitted to make a solemn affirmation or declaration of the truth of any fact; but they are not capable of being witnesses in any criminal cause, serving on juries, or bearing any office or place of profit under government, unless they are sworn like other protestants; but this clause does not extend to the freedom of a corporation. 1 Lord Raym. 337.

By st. 22 G. II. c. 46. s. 36, an affirmation shall be allowed in all cases (except criminal) where by any act of parliament an oath is required, though no provision be therein made for admitting a quaker to make his affirmation.

### Q U A

**QUARANTINE.** By st. 40 G. III. c. 80, the treasury may contract for erecting a lazaret upon Chetney Hill, to be under management of officers appointed by the treasury.

By s. 2, the following duties are payable: for every ton burthen of every ship or vessel, the cargo of which or any part thereof shall have performed quarantine in this kingdom, and which shall have arrived from any part of Turkey, or from any port or place in Africa, within the Straits of Gibraltar, or to the west of Barbary, on the Atlantic Ocean, with a clean bill of health, 7s. 6d. per ton; for every such ship which shall have so arrived without a clean bill of health, 15s. per ton; for every ship or vessel, the cargo of which or any part thereof shall have performed quarantine in this kingdom, and which shall have arrived from any port or place whatever, except from any part of Turkey, or from any port or place in Africa, within the Straits of Gibraltar, or the west of Barbary, on the Atlantic Ocean, with a clean bill of health, 3s. per ton; for every vessel with a cargo, which in  
whole

whole or in part shall consist of goods, wares or merchandize, the growth, product or manufacture of Turkey, or of any port or place in Africa, within the Straits of Gibraltar, or the west of Barbary, on the Atlantic Ocean, which shall have performed quarantine in this kingdom, and which shall have arrived from any port or place in Holland, or from any port or place whatever, at which there is not a regular establishment for performance of quarantine, 7s. 6d.; for every ton burthen of every ship or vessel which shall have so arrived under such circumstances as shall induce his majesty, by and with the advice of his privy council, to subject them to the like quarantine as ships arriving from Turkey without clean bills of health, 15s.; for every ton burthen of every ship or vessel, the cargo of which or any part thereof shall have performed quarantine in this kingdom, and which ship or vessel shall enter inwards in the port of London, an additional duty of 1s.; all which duties shall be raised, levied, collected and paid, and shall be sued for, recovered and accounted for in the same manner, and subject to the same rules, regulations, penalties and forfeitures as any duties of customs are now subject to by law, as far as the same are applicable thereto. Provided always, that no ship or vessel arriving in this kingdom from any place whatever, except from any part of Turkey, or from any place in Africa, within the Straits of Gibraltar, or the west of Barbary, on the Atlantic Ocean, with a clean bill of health, in ballast, or whose cargo shall consist wholly of salt, shall be liable to or charged with any duty under this act. Provided also, that no ship or vessel which shall, together with its cargo, have duly performed quarantine in the lazarets of Malta, Ancona, Venice, Messina, Leghorn, or one of them, and shall sail from thence and arrive in this kingdom with proper documents and vouchers attesting the same, to the satisfaction of his majesty, his heirs and successors, or of his or their privy council, shall be liable to or charged with any duty under this act. S. 2.

Treasury may order the duties to be reduced and afterwards raised again. S. 3.

No vessel upon which the duty is imposed shall be cleared inwards unless the above duties be first paid, and the tonnage is to be ascertained according to the

register under 26 G. III. c. 60. Owners of vessels may demand from importers a proportion of duties. S. 4.

The 5th and 6th sections relate to the mode of keeping the accounts and application of the duties.

The 8th section repeals the preceding acts relative to quarantine.

His majesty by proclamation may declare any infectious disease to be of the nature of the plague. S. 9.

All vessels, persons and goods, coming into any place in Great Britain, Guernsey, &c. from any place from whence his majesty shall judge the plague may be brought, shall perform quarantine as shall be directed by his majesty's orders in council. S. 10.

If the plague or other infectious disease or distemper as aforesaid, shall appear on board any ship or vessel within the Straits of Gibraltar, the master, commander, or other person having charge of her, shall immediately proceed to some one of the foreign lazarets, and there perform quarantine until such time as the land lazaret, to be notified by proclamation or published in the London Gazette, has been declared to be fit for the due performance of quarantine therein; but if such plague or other such infectious disease or distemper as aforesaid, shall appear on board any ship or vessel without the Straits of Gibraltar, then the master, commander, or other person having the command or charge thereof, shall (unless such land lazaret shall have been so declared to be fit for the due performance of quarantine therein) immediately proceed to the harbour of St. Helen's Pool, between the islands of St. Helen's Tean and North Withel, being two of the islands commonly called the islands of Scilly, or to such other place as his majesty shall from time to time direct and appoint, where being arrived he shall make known his case to some officer of the customs there, who shall immediately acquaint the governor, deputy governor, or other principal magistrate thereof, and also some custom-house officer of some port in England near therunto; and the said custom-house officer of such near port in England shall, with all possible speed, send intelligence thereof to the commissioners of the customs in the port of London; and the said governor, deputy governor, or other principal magistrate

strate shall, in like manner, with all possible speed, send intelligence thereof to one of his majesty's principal secretaries of state, to the end that such measures may be taken for the comfort and support of the crew and passengers on board such ship so infected, and such precautions used to prevent the spreading the infection as the case shall require; and the said ship shall there remain until his majesty's pleasure be known, nor shall any of the crew or passengers on board thereof go on shore; but in case the said master, commander or other person having charge of the said ship or vessel so infected, shall not be able to make the said islands of Scilly or other place so appointed by his majesty as aforesaid, or shall be forced by stress of weather or otherwise to go up either of the channels, it shall not be lawful for him to enter with such ship or vessel in any port, but he shall remain in some open road until he receives directions by some order of the privy council, and he shall use every necessary means in his power to prevent any of the ship's company or passengers from going out of his ship, and to avoid all intercourse with other ships, vessels or persons; and such ship's company or passengers shall, until such master, commander or other person have received directions, remain in such ship, and shall avoid all intercourse with other ships, vessels or persons; and the said master or any other person on board such ship or vessel as aforesaid, who shall be disobedient herein, shall be guilty of felony, and shall suffer death as in cases of felony without benefit of clergy. S. 11.

Masters of vessels liable to perform quarantine, meeting other vessels at sea, or being within four miles of the coast of Great Britain, Ireland, Guernsey, &c. to hoist a signal on penalty of 200l. S. 12.

S. 13, inflicts a penalty of 50l. on masters of vessels not liable to quarantine, hoisting a yellow flag.

Pilots conducting vessels liable to quarantine into places not appointed, to forfeit 100l. S. 14.

When any place shall be infected with the plague, or when any order shall be made by his majesty concerning quarantine, the person authorized to see it performed at the place shall demand certain ques-

tions of the master of every vessel, who for refusal shall forfeit 200l. S. 15.

If it shall appear that any such vessel is liable to perform quarantine, the officers of any ship of war, &c. shall compel her to go to the appointed place; and masters of vessels coming from places visited with the plague, or having any infected person on board, and concealing the same, shall suffer death. S. 16.

Masters of vessels ordered to perform quarantine shall deliver to the chief officer appointed to see it performed their bill of health, &c. on penalty of 500l. S. 17.

Masters of vessels liable to quarantine to deliver to the consul at the port where they shall take on board any articles, a manifest, who shall transmit it to the commissioners of the customs; and the master on his arrival shall make oath before the officers of the customs at the port, that he has not received on board any articles but what are contained in the manifest; and unless the master of such vessel produces all the articles specified in the lists, schedules, or manifests, or make it appear that the same have been unavoidably lost, destroyed, or consumed, such master, &c. shall forfeit not more than 500l. nor less than 100l. and persons landing or unshipping such articles, baggage, letters, or parcels from on board such vessel, or receiving the same after they have been so landed or unshipped, shall be liable to the same penalty. S. 18.

Masters quitting or suffering persons to quit vessels, or not in due time carrying them into the places appointed for quarantine, to forfeit 500l.; and persons quitting such vessels, by going on shore or on board of any other vessels, may be compelled to return on board, and shall be liable to imprisonment and penalty of 200l. S. 19.

When a vessel arrives with a clean bill of health, the master shall give notice thereof, and of the contents of his manifest, and of the port in which he has performed quarantine, to the officers of the customs, that the same may be laid before the privy council; and masters of ships unshipping or landing such goods before such orders shall be made, or otherwise than directed in such orders, shall forfeit 200l. for every such offence. S. 20.

All persons liable to quarantine are to be subject to the



the orders of the officers authorized to direct the performance thereof, who may enforce obedience thereto, and call in others to assist; and if any person shall neglect to duly repair to the place appointed for him, or shall escape, he shall be compelled to return; and every person refusing to return, or escaping, shall suffer death. S. 21.

Officers of the customs, &c. for breach or neglect of duty, shall forfeit their office and tool; and if they shall desert their duty when employed, or permit any person or vessel to depart out of the lazaret, &c. or if the person authorized shall give false certificates, they shall suffer death; and if any such officer or person shall knowingly and wilfully damage any goods performing quarantine under his direction, he shall be liable to pay treble damages and full costs of suit to the owner of the same. S. 22.

If any sound person shall enter a lazaret, he shall perform quarantine, and if he escape, shall suffer death. S. 23.

Goods when specified in any order in council as liable to retain infection, shall be liable to quarantine. S. 24.

After proof of the performance of quarantine, and on certificate to that effect, vessels and persons are not liable to farther restraint. S. 25.

Goods to be opened and aired, and on certificate of proof of compliance, they shall be discharged from restraint. S. 26.

If any person shall knowingly and wilfully forge or counterfeit, or procure to be forged or counterfeited, any certificate directed and required to be granted by this act, or shall publish as true any forged or counterfeited certificate, knowing the same to be forged or counterfeited, he shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy. S. 27.

Persons concealing or taking away articles from any vessel under quarantine, or from the lazarets, shall suffer death. S. 28.

During the plague in certain parts, vessels may be prohibited from sailing until security be given, with certain conditions; and if any such vessel shall sail before security given, it shall be forfeited, and 20l. by the master and each mariner on board. S. 29.

Publication in the London Gazette of any order in council to be sufficient notice. S. 30.

All forfeitures and penalties aforesaid, to be incurred by any offence committed against any part of this act, shall and may be recovered by suit in any of his majesty's courts of record at Westminster, in which no essoin, wager of law, or more than one imparlance shall be granted; or in Scotland by summary action in any of the courts of session, or by prosecution before the court of judicatory there; or by suit in any of his majesty's courts in the islands of Guernsey, Jersey, Alderney, Sark, or Man, or by information before any two justices of the peace of the county, riding, division, city, or place where the offence was committed, and may be levied of the offender's goods and chattels; and if he shall not have goods and chattels equal in value to the amount of such forfeiture or penalty, then such offender shall be committed to gaol till payment thereof; and every such forfeiture and penalty shall belong, and be given, one moiety to the person who shall sue for the same, and the other moiety to his majesty, his heirs and successors, to be applied towards defraying the expenses of erecting and maintaining the lazaret as aforesaid. S. 31.

Persons taking false oaths to be guilty of perjury. S. 32.

Offences, not felonious, against this act or any order of council may be tried before two justices, who may fine or imprison the offender. S. 33.

The remaining sections of this act relate to the places where offences against this act may be tried, limitation of actions, &c.

QUAY. See Key.

QUEBEC, the capital of Canada, in North America. It is situated W. long. 69 deg. 48 min. N. lat. 46 deg. 55 min. It was taken from the French in 1759, by the British, under the command of Gen. Wolfe, who was killed in the battle before the town. The town is divided into two, called the High and Low Town, the upper of which is fortified. The harbour is very large and commodious, in the river St. Lawrence, the largest and most navigable in the world. There is an excellent dock-yard, constructed by the French, and kept in good repair since it fell into our hands. Its exports consist in skins of all sorts, cas-

## QUE

tors, otters, wolves, &c. &c. also corn, whale oil, timber, capillaire, and some other medical plants. The greatest number of vessels arrive in August and September, when the inhabitants of the upper country come down and hold a sort of fair, bartering their produce for the European manufactures they have occasion to carry home.

Quebec is in the neck of land formed into an acute triangle by the rivers St. Lawrence and St. Charles.

## QUI

It is above 120 leagues from the main ocean, yet its harbour is capable of containing 100 ships of the line. The commerce will continue to augment in proportion to the population and improvement of Canada.

QUITO, a city, and the capital of Peru, situated under the equator, and 302 deg. 15 min. W. long. There are about 30,000 inhabitants; and for its commerce, see *Peru, Gallens, Panama*.

## R.

### REC

**RANSOM** is the sum formerly given by captains or passengers for the redemption of a vessel captured by pirates. This is now prohibited by statute.

**RECAPTION.** Where one hath deprived another of his property, the owner may lawfully claim and retake it wherever he happens to find it, so it be not in a riotous manner, or attended with any breach of the peace. 3 *Black. Com.* 4. The law seems to be, that if my horse is taken away, and I find him in a common, a fair, or a public inn, I may lawfully seize him to my own use; but I cannot justify breaking open a private stable, or entering on the grounds of a third person to take him, except he be feloniously stolen, but must have recourse to an action at law. 2 *Roll. Rep.* 55, 56. 208. 2 *Roll. Abr.* 365. 566.

It is laid down in the Year Book, that whatever alteration of form any property has undergone, the owner may seize it in its new shape, if he can prove the identity of the original materials; as if leather be made into gloves, cloth into a coat, or if a tree be squared into timber, or silver melted or beat into a different shape, 5 *Hen. VII. c.* 15. 12 *Hen. VIII. c.* 10; but if the thing itself by such operation were changed into a different species, as by making wine, oil, or bread, from another's grapes, olives, or wheat, the civil law held, that it belonged to the new operator, who was only to make satisfaction to the former

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proprietor for the materials which he had so converted. These doctrines are implicitly copied and adopted by Bracton, and have been since confirmed by many resolutions of our courts. *Brac.* i. 11. sect. 2, 3. *Bro. Abr.* title *Property*, 23. *Meor* 20. *Poph.* 38. See *Restitution*.

**RECEIPTS.** A receipt is an acknowledgment in writing of having received a sum of money or other value. A receipt is either a voucher for an obligation discharged or one incurred. Receipts for money above 40s. must be on stamps; but on the back of a bill of exchange or promissory note, which is already stamped, is good without a farther duty. Writing a receipt on a stamp of greater value than the law requires incurs no penalty, and the receipt is good; but if on a stamp of a lower value, or on unstamped paper, then a receipt is no discharge, and incurs a penalty.

A receipt cannot be insisted on by the party tendering money; that is, the giving a receipt cannot be made a condition at the time of a tender. *Cole* and another against *Blake*, *Peake* 179.

A receipt in full is conclusive evidence, when given under a knowledge of all circumstances between the parties; but it may be otherwise when given without such knowledge.

All receipts, notes, memorandums, or writings, expressing a general acknowledgment of any debt, &c. being paid, settled, &c. or whereby any money shall

be acknowledged to be in full, and whether signed or not, must have the proper stamp.

**RE-EXCHANGE.** Re-exchange is the like sum of money, payable by the drawer of a bill of exchange which is returned protested, as the exchange of the sum mentioned in the bill is back again to the place where it was drawn.

**RECTIFIERS.** See *Excise*.

**REGISTRY OF SHIPPING.** The registering of ships appears to have been first introduced into this country by the navigation act, 12 Car. II. c. 18. s. 10. By this statute, however, *foreign ships only British owned* were required to be registered. By stat. 7 and 8 W. III. c. 22. s. 17, *British or plantation built ships*, British owned, if intended to be employed in the plantation trade, and also all *prize ships*, were required to be registered; and in consequence of a regulation at the admiralty, ships for which Mediterranean passes were wanted, were required to be registered.

The provisions in the acts requiring registry are founded upon the wisest policy, and are not less calculated to prevent the commission of private fraud upon individuals, than to advance the public policy of the state.

*What ships shall be deemed British built.* By stat. 26 G. III. c. 60, no ship or vessel foreign built (except such as have been condemned as lawful prize in any court of admiralty), nor any ships or vessels built or rebuilt upon any foreign made keel or bottom, although owned by British subjects, and navigated according to law, shall be entitled to the privileges of a British built ship, or of a ship owned by British subjects; and all the privileges and advantages allowed shall be confined to such ships only as are wholly of the built of Great Britain or Ireland, Guernsey, Jersey, and the Isle of Man, or some of the plantations in Asia, Africa, or America, now belonging, or which may hereafter belong to his majesty, except such foreign built vessels as before the 1st of May 1786 did truly and wholly belong to British subjects, navigated according to law, and duly registered, which shall continue to enjoy the privileges to which such ship or vessel is by law entitled; nor shall this act prevent any such vessel which may have been begun to be repaired or rebuilt before the 1st of May

1786 from being registered, provided it shall appear upon oath, to the satisfaction of the commissioners of the customs, that such vessel was stranded by the act of Providence, and was at the time of being so stranded the sole property of some foreigner, or a droit of the admiralty; and if it shall appear that such vessel, from the damage received, was rendered unfit to proceed to sea without undergoing a thorough repair in this kingdom, and that she was necessarily sold for the benefit of the foreign owners, or under an order or commission from the court of admiralty, and that she was fairly and openly purchased by a British subject, and being the sole and entire property of such British subject, that she had been so much repaired that two-thirds of her at least are of British built, she may be registered. S. 1.

No vessel shall be deemed British built, or enjoy the privileges belonging to British built vessels, which shall be rebuilt or repaired in any foreign port, if such repairs shall exceed 15s. for every ton, unless such repairs shall be rendered necessary by extraordinary damage, and absolutely necessary to enable her to perform the voyage, and to return in safety to some place or port within his majesty's dominions; and before such vessel shall be so repaired, the master shall report her state and condition upon oath to the British consul or other chief officer at the port where such repairs may be necessary, and cause the same to be surveyed by two persons to be approved of by such consul or chief British officer, and shall deliver to such consul or officer, in writing, the particulars of the damage sustained, and verify upon oath the particulars and amount of the repairs, and that the same were become necessary in consequence of damage sustained during her voyage, to enable the said vessel to prosecute her intended voyage, and to return to some port within his majesty's dominions, which must be certified under the hand and seal of the chief consul or other officer; or if no such consul, &c. shall be there resident, the survey shall be made by two persons to be approved of by two known British merchants residing at or near such port. And the master of such ship shall produce to such merchants vouchers of the particulars and amount of the repairs, and their certificate shall be of the same effect as that of the British consul or chief officer. And the masters

of vessels repaired in any foreign port shall make oath before the collector and comptroller, or other principal officer of the customs in the first port of arrival (if required so to do), describing the nature and amount of such repairs; and if such expence shall exceed 15s. per ton, and the master or commander of such ship shall neglect or refuse to deliver to such collector or comptroller, or other principal officer of the customs, the certificate by this act required to be produced, such vessel shall to all intents and purposes be deemed foreign built. S. 2.

*Decked vessels above 15 tons how to be registered.* Ships above 15 tons British owned shall be registered in the manner hereinafter mentioned, and the persons claiming property therein shall cause the same to be registered, and obtain a certificate of such registry from the collector or comptroller of the customs of Great Britain, or the Isle of Man, or from the governor, lieutenant-governor, or commander in chief and principal officer of the customs resident in the islands of Guernsey or Jersey, or in any of the said colonies, plantations, or islands respectively.

By s. 4, no registry is to be made except in the port to which the vessel belongs.

The port to which any ship or vessel shall hereafter be deemed to belong, shall be the port from and to which the same shall usually trade, or, being a new ship, shall intend so to trade, and at or near which the husband or acting owners usually reside.

No American vessel shall be entitled to be registered, or to any of the privileges of a British built ship or vessel, unless such ship shall have been taken and condemned as lawful prize, or, having been stranded, shall have been built or rebuilt, and registered in the manner before practised and allowed. S. 7.

No registry shall be made or certificate granted until oath be taken and subscribed before the persons herein before authorized to make such registry and grant such certificate, by the owner of such ship or vessel, if the same belong to one person only; or, in case there shall be two joint-owners, then by both of them, if both be resident within 20 miles of the port where such registry is required, or by one of such owners, if one or both be resident at a greater distance; or if the number of such owners shall ex-

ceed two, then by the greater number of them, if the greater number shall be resident within 20 miles of such port, not exceeding three of such owners, or by one of such owners, if all shall be resident at a greater distance. S. 9 and 10.

*Oaths to be taken if some of the owners do not attend.* In case the owners shall amount to three or more, and three of such owners shall not personally attend to take and subscribe the oath directed, then such owner or owners as shall attend and take and subscribe the oath, shall further make oath that the part-owner or part-owners absent, is or are not resident within 20 miles, and hath or have not, to his or their knowledge or belief, wilfully absented himself or themselves to avoid taking the said oath, or is or are prevented by illness. S. 11.

*Surveying of ships before registry.* By way of identifying the vessel to which a certificate of registry is alleged to be granted, the surveying officer shall go on board such ship or vessel as is to be registered, and strictly admeasure the same in the presence of the master, or any other person appointed for that purpose, on the part of the owners, or by the said master, and shall deliver a true account in writing of all such particulars of the build, description and admeasurement of such ship or vessel as are specified in the certificate, to the person authorized to make such registry; and the said master, or such person as shall attend on the part of the owners, is to sign his name to the certificate of such surveying officer, provided such master or other person shall consent and agree to the several particulars set forth in the said certificate. S. 12.

Surveying officers making or granting false certificates to forfeit 100l., and be for ever incapable of holding any office under his majesty. S. 13.

*Tonnage of vessels how to be ascertained.* The tonnage of any vessel when afloat is to be ascertained by the following method, viz. drop a plumb line over the stern of the ship, and measure the distance between such line and the after part of the stern post at the load water mark; then measure from the top of the said plumb line, in a parallel direction with the water, to a perpendicular point immediately over the load water mark, at the fore part of the main stem: subtracting the above distance from such admeasure-



ment, the remainder will be the ship's extreme length, from which are to be deducted three inches for every foot of the load draught of water for the rake abaft, and also three-fifths of the ship's breadth for the rake forward; the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from outside to outside of the plank in the broadest part of the ship, either above or below the main-wales, exclusive of all manner of sheathing or doubling, that may be wrought upon the side of the ship; then multiplying the length of the keel for tonnage by the breadth so taken, and that product by half the breadth, and dividing by 94, the quotient shall be deemed the true contents of the tonnage. Nothing in this act to be construed to alter the manner of admeasuring the tonnage of any ship which has heretofore been practised for the purpose of ascertaining the light duties, or any other duties or imposts payable according to the tonnage of any vessel. S. 14.

*Bond to be given upon registering.* At the time of obtaining the certificate of registry, bonds shall be given to his majesty by the master and such of the owners who shall attend, in the following penalties:

If a decked vessel, or from 15 to 50 tons, 100l.; 50 to 100 do. 300l.; 100 to 200 do. 500l.; 200 to 300 do. 800l.; 300 and upwards, 1000l.

*Condition of the register bond.* The condition of every bond given upon registry shall be, that such certificate shall not be sold, lent or otherwise disposed of to any person or persons whomsoever, and that the same shall be solely used for the service of the ship or vessel for which it was granted; and that in case such vessel shall be taken by the enemy, burned or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within one month after the arrival of the master in any port or place in his majesty's dominions, to the collector or comptroller of some port in Great Britain, or the Isle of Man, or of the British plantations, or to the governor, lieutenant-governor or commander in chief for the time being, of the islands of Guernsey or Jersey; and that if any foreigner, or any person or

persons for his use and benefit, shall purchase, or otherwise become entitled to the whole or any part or share of, or any interest in such vessel, and the same shall be within the limits of any port in Great Britain, Guernsey, Jersey, Man, or the British colonies, plantations, islands or territories aforesaid, then in such case the certificate of registry shall, *within seven days after such purchase or transfer of property* in such ship or vessel, be delivered up to the person or persons authorized by this act to make registry and grant certificates thereof at such port and place respectively; and if such ship or vessel shall be in any foreign port when such purchase or transfer shall take place, then that the same shall be delivered up to the British consul or other chief British officer resident at or nearest to such foreign port; or if such vessel shall be at sea, at the time of such transfer of interest and property, then the said certificate of registry shall be delivered up to the British consul or other chief British officer at the foreign port or place in or at which the master or other person having or taking the command of such ship or vessel shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master abovementioned in the case abovementioned shall not arrive at a foreign port, but shall arrive at some port of Great Britain, Guernsey, Jersey, Man, or his majesty's said colonies, plantations, islands or territories, then the same certificate shall be delivered up in manner abovementioned, within 14 days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of Guernsey, Jersey, Man, or any of his majesty's said colonies, plantations, islands, or territories. And if any pass, called a Mediterranean pass, shall have been obtained and procured by any such ship or vessel, then and in such case the same shall be delivered up at the same time, and in like manner with the certificate of registry, to the persons hereinbefore authorized to receive such certificate of registry: and such certificates so delivered up, shall be transmitted forthwith to the commissioners of the customs in England and Scotland respectively; and such Mediterranean passes shall also be transmitted to the admiralty of Great Britain, by the person or persons authorized to receive such certificate

certificate and passes, that the same may be cancelled. S. 15.

*Indorsement certificate of registry in case of sale.* In case of any alteration of property in the same port, by the sale of any share or shares in any ship or vessel after registering thereof, such sale or transfer of property shall always be acknowledged by indorsement in the certificate of registry, before two witnesses, in order to prove that the entire property in such ship is vested in some of the subjects of Great Britain. In case any dispute should arise concerning the same, the above indorsement to be signed by the person transferring the property in such ship or vessel, or by some person legally authorized for that purpose. 7 and 8 Will. III. c. 22. s. 21. 34 G. III. c. 68. s. 15, and by stat. 26 G. III. c. 60. s. 16.

In addition to the above indorsement there shall also be indorsed on the certificate of registry, before two witnesses, the town, place or parish where all persons to whom the property in any ship or vessel shall be transferred shall reside; or if such persons usually reside abroad, but in some British factory, then the name of such factory of which such persons are members; or if such persons reside in any foreign town or city, the name of such foreign town or city, and also the names of the house or copartnership in Great Britain or Ireland for or with whom such are agents or partners; and the person to whom the property of such ship or vessel shall be so transferred, or his agent, shall deliver a copy of such indorsement to the person authorized to make the registry, who is to cause an entry to be indorsed on the oath or affidavit upon which the original certificate of registry of such ship or vessel was obtained; and also to make a memorandum in the book of registers, and forthwith give notice to the commissioners of the customs in England or Scotland, under whom they respectively act.

The certificate of registry of such vessel shall be recited in words at length in the bill or instrument of sale thereof, otherwise such bill of sale shall be utterly void. S. 17.

*Memorandum of change of the master to be indorsed on certificate of registry.* As often as the master or commander of any registered vessel shall be changed, the master or owner thereof shall deliver to the per-

son authorized to make such registry at the port where such change shall take place, the certificate of registry belonging to such ship or vessel, who shall indorse and subscribe a memorandum of such change, and shall give notice to the proper officer of the port where such ship or vessel was last registered; who shall likewise make a memorandum of the same in the register book, and give notice to the commissioners of the customs in England and Scotland. S. 18.

*Ship's name to be painted on her stern.* No owner of any ship or vessel shall be permitted to give any other name thereto than that by which she was first registered. And all owners of registered vessels shall, within one month from the registry, paint in white or yellow letters, of a length not less than four inches, upon a black ground, on some conspicuous part of the stern (provided there shall be sufficient space, but if not, then in letters as large as such space will admit) the name by which such ship or vessel shall have been registered, and the port to which she belongs, and so keep and preserve the same. And if such owner, or master or commander of such ship or vessel shall wilfully alter, erase, or conceal, or permit the same to be done, unless in the case of square rigged vessels in time of war, or shall in any written or printed paper describe such ship by any other name than that by which she was first registered, or shall verbally describe such ship or vessel by any other name to any officer of the revenue in the due execution of his duty, such owner or commander thereof shall forfeit the sum of 100l. S. 19.

By stat. 26 G. III. c. 60, all persons who shall apply for a certificate of registry in Great Britain, Guernsey, Jersey, or the Isle of Man, for any ship which shall be built, or whose building shall be completed after the 1st of August 1786, shall produce to the person authorized to grant such certificate a true account, under the hand of the builder of the same, of the proper denomination, the time when, and the place where such ship or vessel was built, and an exact account of the tonnage, together with the name of the first purchaser; and also make oath before the person authorized to grant such certificate, that the ship or vessel for which such certificate is required is the same with that so described by the builder. And  
every

every person applying for a like certificate in any of his majesty's colonies, plantations, or territories, shall, before such certificate is granted, produce the like account, under the builder's hand, and take the like oath as is required to be produced and taken by persons applying in Great Britain. S. 20, 21.

*In case a certificate be lost how to obtain a new one.* If any certificate of registry shall have been lost, a register and certificate *de novo*, in the form herein directed, shall be granted for such vessel, according to 15 G. II. c. 31; but in all such cases such security shall be given as is directed in this act, and in lieu of the oath prescribed by 15 G. II. the like oath shall be taken and subscribed as hereinbefore directed, by the owner or owners of such ships and vessels as are required to be registered by this act. S. 22, 23.

*In what cases ships are to be registered de novo.* If any ship or vessel shall, after registry, be altered, either in form or burthen, or in any manner whatsoever, such ship or vessel shall be registered *de novo* as soon as she returns to her port, or to any other port in which she may be registered by virtue of this act; on failure whereof such ship or vessel shall be considered as a foreign vessel. S. 24.

*Prize ships how to be registered.* The owners of all such ships as shall be condemned as lawful prize, shall, upon registry thereof, before any certificate of registry shall be obtained, produce to the proper officer of the customs a certificate of the condemnation of such vessel, and also a true account in writing of all the particulars contained in the certificate hereinbefore set forth, to be made and subscribed by one or more skilful persons to be appointed by the court to survey such ship or vessel; and shall also make oath before the said officer, that such ship or vessel is the same ship or vessel mentioned in the certificate. S. 25.

No ship condemned as prize shall be registered in the islands of Guernsey, Jersey, or the Isle of Man, although belonging to his majesty's subjects resident in those islands; but the same shall be registered either at Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven, by the collector and comptroller at such port respectively. 26 G. III. c. 60. s. 25.

In all cases where any ship or vessel taken and con-

demned in any of his majesty's colonies, plantations, or islands aforesaid, shall be registered, and obtain a certificate, an exact account shall be subjoined thereto of the sum for which such ship or vessel shall have been sold, verified upon the oath of the person applying for such certificate of registry. S. 27.

All certificates, hereafter to be granted in pursuance of this act, shall distinguish whether such ships or vessels be of the built of Great Britain, Guernsey, Jersey, or the Isle of Man, or of the colonies, plantations, islands, or territories aforesaid, or of any foreign country; and shall, if British built, be entitled "Certificate of British plantation registry," and if foreign built, shall be entitled "Certificate of foreign ship's registry for the European trade, British property," as the case may be. S. 28.

*Penalties upon ships sailing without a certificate.* No ship or vessel, directed by this act to be registered, shall be permitted, after the first arrival at the port to which she belongs, at the expiration of the notice by this act directed, to clear outwards for foreign parts, or coastwise, or to proceed to sea for the purpose of fishing on the coasts, or for any other purpose, as a British ship or vessel, unless the owners thereof shall have obtained a certificate; and in case such ship or vessel depart from such port without being registered, and without having obtained a certificate, every such ship or vessel, with all her guns, furniture, ammunition, tackle, and apparel shall be subject to forfeiture. S. 32.

*Penalty on ships remaining in port without certificate of registry.* If, after the expiration of the before-mentioned notice, any ship or vessel (being square rigged) shall be found in any port within 20 leagues by water from the port to which she belongs, or if any vessel, not square rigged, be found within any port other than that to which she belongs, without having a certificate of registry hereinbefore directed, it shall be lawful for the principal officer of such port, and he is hereby required to detain such until the master or commander shall, if such ship or vessel be under 50 tons, give security by bond in 50*l.* in manner hereinafter directed; and if the same shall exceed 50 and not exceed 100 tons, shall give security by bond in 100*l.*; and if the same shall exceed 100 tons, then until the master or commander shall with one security give bond in

2001., with condition that such master or commander shall forthwith repair with her to the port to which she belongs, and there cause her to be registered, procure a certificate, and deliver to such officer such certificate within the time limited in the condition of such bond; which time is to be fixed according to the distance of the vessel from the port to which she belongs; and the nature of the voyage in which she may be engaged; and on failure of producing such certificate, such bond shall be forfeited; but if the certificate be produced within the time so limited, such bond shall be void. And in case any square rigged vessel shall be found in port, after the expiration of the aforesaid notice, more than 20 leagues distant by water from the port to which she belongs, or that the water at the entrance of the port to which she belongs shall be so shallow as not to admit her entrance, the master or commander shall, within 48 hours after his arrival at such port, make known his arrival to the collector and comptroller of the customs, or other principal officer of such port; and shall require such collector and comptroller to cause his ship or vessel to be surveyed by the proper officer, who shall accordingly make a perfect survey, and certify the several particulars thereof; and such collector and comptroller shall immediately transmit the said certificate of survey to the person authorized to register ships and vessels at the port to which such vessel belongs, who shall register such vessel, and grant certificate of registry; and it shall be lawful for the collector and comptroller, or other principal officer of the customs, in the port where such ship or vessel shall be so found, to detain her until a perfect and accurate survey, in the manner hereinbefore directed, can be made.

The remaining sections of this act relate to penalties upon the misconduct of officers, forging or altering certificates of registry, mode of recovering penalties, &c.

*Oath of allegiance to foreign states.* By 27 G. III. c. 19. s. 4, no oath taken for the sole purpose of acquiring the rights of a citizen or burgher in any foreign city or town in Europe, to be enjoyed during the time that such person taking such oath shall reside in such city or town, and for a limited time after such residence shall have expired, shall be deemed an

oath of allegiance to a foreign state, nor inconsistent with the form of the oath upon registry prescribed by 7 and 8 W. III.

Ships belonging to the East India Company, or any other body corporate, are to be registered upon the oath subscribed by the secretary of the said company or other body corporate, or by any other officer properly authorized. S. 7.

*Ships in the Newfoundland trade requiring no registry.* No vessel whatsoever, not exceeding the burthen of 30 tons, and not having a whole or fixed deck, and being employed solely in the Newfoundland fishery, or on the banks or shores of the provinces of Quebec, Nova Scotia, or New Brunswick, adjacent to the gulf of St. Lawrence, and to the north of Cape Canso, or of the islands within the same, or in trading coastwise within the said limits, shall be subject to be registered in pursuance of the said act. S. 8.

*Ships built in Newfoundland, or parts adjacent, how to be registered.* Ships built in Newfoundland, and those parts of the provinces of Quebec, Nova Scotia, and New Brunswick, adjacent to the gulf of Saint Lawrence, and to the north of Cape Canso, or in the islands within the said limits, on account of owners residing in his majesty's European dominions, shall be registered in the above places, upon the husbands or principal agents of the said ships taking the oath required; and such certificates shall be of the same effect as if granted upon the oath of the owners, until such time as they shall arrive in port in any of his majesty's European dominions, where they may be respectively registered upon the oath of the respective owners, but no longer. And whenever such ship shall arrive at any such port in his majesty's European dominions, the certificates of registry, granted in pursuance of this act, shall be null and void, and shall be delivered up to be cancelled; and such ships are hereby required to be respectively registered *de novo* conformably to the requisitions of the proceeding act. S. 9.

By 27 G. III. c. 19. s. 13, all ships not registered according to the directions and regulations of the said act, although such ships may be owned by his majesty's subjects, shall be held and deemed as alien ships, and shall in all cases be liable to such and the same penalties and forfeitures as alien ships are by law liable to in similar cases.



*Foreign ships how to be registered.* By 34 G. III. c. 42, foreign ships and vessels heretofore owned by subjects of the late French king, which in consequence of any capitulation may be put under his majesty's protection at the time of, or in consequence of the surrender of any foreign colony, may be registered as ships condemned as lawful prize, and shall become entitled to the privileges of British ships, under the regulations and restrictions hereafter mentioned. Provided always, that no ship shall be so registered but upon producing a certificate under the hand and seal of the person who commanded in chief, by sea or land, at the time when such foreign colony was surrendered (or in case of the death or departure of any such officer before such certificate shall have been so given, then upon a like certificate under the hand and seal of the person who shall command in chief, by sea or land, at such colony), testifying that such ship or vessel was put under the protection of his majesty at the said time; and upon oath, hereinafter directed, being taken and subscribed before the person authorized to make such registry, by the owner of such ship, if she belong to one person only; or in case there shall be two joint owners, then by both of such joint owners, if both be resident within 20 miles of the place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance; or if the number of such owners shall exceed two, then by the greater part of them, if the greater number of them shall be resident within 20 miles, not in any case exceeding three of such owners, or by one of such owners, if all shall be resident at a greater distance. Provided that such registry shall, for the island of St. Domingo, be made at the port of Kingston in the island of Jamaica, and for any of the French Leeward Islands, in the port of Roseau in the island of Dominica; and the said ports of Kingston and Roseau shall respectively, for the purpose of such registry, be deemed to be the port to which such ship belongs. S. 1.

*Such ships may afterwards be registered as prize-ships.* His majesty, by the advice of his privy-council, may at any time, on the arrival of any such ship in Great Britain, upon application made to him, authorize any such ship (without payment of any duty whatever for the said ship, or the sails and other necessary

tackle, apparel, and furniture thereof) to be registered, as in the case of a prize-ship, in any port of Great Britain. S. 4.

*Certificate to be produced by master, crew, and passengers of such ships.* No person heretofore a subject of the late French king, being a white person, a mulatto, or free negro, shall be employed to navigate any vessel bound from such foreign colony, to any part of his majesty's dominions, or be conveyed as a passenger on board thereof, unless such person shall produce a certificate under the hand and seal of the person who commands in chief in such foreign colony, or at the place therein whence such ship shall sail, testifying that such person has taken the oath of fidelity and allegiance to his majesty; and no negro-slave belonging to any person whatsoever, heretofore a subject of the late French king, shall be so conveyed or employed, but upon a certificate under the hand and seal of his master (which master shall have taken the oath of fidelity and allegiance as aforesaid), certifying the good character of such negro-slave, and testifying that his conduct has been such that he may be safely admitted into the ports of his majesty's dominions; which certificate shall be indorsed by the person who commands in chief his majesty's troops or vessels at the place from whence such ship shall sail, signifying that he has no reason to doubt of the truth thereof; upon pain that the master or commander of such ship shall forfeit 50l. for every person respectively employed or conveyed in such ship without having such certificate. S. 5.

*Ships requiring registry how to be navigated.* By 34 Geo. III. c. 68, no goods, wares, or merchandizes whatever shall, from the expiration of six months after the conclusion of the present war, be imported into or exported from any port or place in Great Britain, or Guernsey, Jersey, Alderney, Sark, or Man, to any other port or place of the same, on board any ship or vessel which by law is or shall be required to be registered as a British ship or vessel, unless such ship or vessel shall be navigated by a master and three-fourths at least of the mariners British subjects. Nor, from the expiration of six months from the conclusion of the present war, shall any ship or vessel, which by law is or shall be required to be registered as a British ship or vessel, be navigated but by

a master and three-fourths of the mariners at least British subjects, except as hereinafter provided. S. 1, 2, 3.

*Vessels in the coasting-trade and British fisheries how to be navigated.* No goods, wares, or merchandizes whatever shall be carried from any port in Great Britain, or Guernsey, Jersey, Alderney, Sark, or Man, to any other port or place of the same, nor shall any ship be permitted to sail in ballast from or to any of the aforesaid ports, nor be employed in fishing on the said coasts, unless such ship shall be wholly and solely manned with and navigated by a master and mariners all British subjects. The commissioners of the customs may, however, by licence under their hands, authorize any such ship or vessel employed in fishing on the coast of Great Britain, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, to have on board any foreign mariners for the purpose of instructing the British mariners thereof in the art of fishing; such foreign mariners not exceeding one-fourth of the number of mariners on board such vessel, except in cases of sickness, death, desertion, or capture. S. 5.

*What persons may be masters or mariners of British ships.* By stat. 34 G. III. c. 68, no person shall hereafter be deemed to be qualified to be the master of a British ship, or to be a British sailor, seaman, or mariner, except the natural-born subjects of his majesty, or persons naturalized by any act of parliament, or made denizens by letters of denization; or except persons who have become his majesty's subjects by virtue of conquest or cession of some newly acquired country, and who shall have taken the oath of allegiance to his majesty, or the oath of fidelity required by the treaty of capitulation, by which such newly acquired country came into his majesty's possession, except as is hereinafter provided. S. 6.

But every foreign seaman serving on board any of his majesty's ships in time of war, for the space of three years, who shall also take the oath of allegiance, shall be entitled to be employed as a master of a British ship or vessel, or as a British mariner on board any British ship, upon delivering certificates from the captains under whom he served, of the time he shall have served, and of his faithful service and good

behaviour, and a certificate of his having taken the oath of allegiance. S. 7.

*Penalty on persons not qualified, serving on board merchant ships.* No person who has taken an oath of allegiance to any foreign state shall be deemed qualified to be the master of a British ship or vessel, or a British sailor, unless such person shall have taken such oath of allegiance before he became so qualified; and any person who shall, after having become disqualified by taking such oath of allegiance, take the charge or command of any British ship or vessel, shall for every such offence forfeit one hundred pounds; and if such person shall engage to serve as a British seaman or mariner on board any such ship, he shall forfeit ten pounds, unless the owners shall shew that such disqualifications were unknown to them or their agents at the time of engaging such master or sailor to serve on board such ship or vessel. Except in the navigation on the seas of America and the West-Indies, any negroes belonging to his majesty's subjects, and in the seas to the eastward of the Cape of Good Hope, lascars and other natives of any of the countries to the eastward of the Cape of Good Hope, may be employed as British sailors, seamen, or mariners, in manner heretofore practised. Provided nevertheless, that no negro belonging to any person who has become a subject of his majesty, in manner before described, in any of the islands or colonies late under the dominion of the French, shall be entitled to be employed in manner before mentioned as a British sailor, seaman, or mariner, unless all the conditions required by the 34th G. III. c. 42, shall have been complied with during the continuance of the said act.

*Foreigners may serve in time of war.* By the 13th G. II. c. 3, his majesty in time of war may permit merchant ships to be navigated by foreigners, provided one-fourth of the crew be British subjects.

*Penalty on ships navigated contrary to the act.* If any goods, wares, or merchandize whatever shall be imported or exported, or carried coastwise, contrary to the provisions of this act, or any of them, all such goods, wares, and merchandize, and also the ship or vessel, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited; and if any ship shall sail in ballast, or shall sail to be employed

in fishing along the coast in manner herein before mentioned, or, being required to be manned and navigated with a master and a certain proportion of British mariners, in manner herein before directed, shall not be manned and navigated accordingly, such ship or vessel, with all her guns, furniture, ammunition, tackle, and apparel, and all the goods, wares, and merchandize on board, shall be forfeited. S. 10.

All goods, wares, and merchandize, and all vessels, forfeited by this act, may be seized by the commander of any of his majesty's ships of war, or any commissioned, warrant, or petty officer specially appointed, or by any officer or officers of his majesty's customs or excise.

If any British ship shall be found at sea, having on board a greater number of foreign mariners than is allowed by this act, or any law in force or hereafter to be made, and the master of such vessel shall produce a certificate of the actual necessity of engaging such foreign mariners in some foreign port, by occasion of the sickness, death, or desertion of the like number of British mariners, or of the same having been taken prisoners during his voyage, and that British mariners could not be engaged at such foreign port to supply their place, and that for the safe navigation of such ship or vessel, it became necessary to engage and employ such foreign mariners, under the hand of his majesty's consul at the foreign port where the mariners are so engaged, or, if there be no such consul there, under the hands of two known British merchants at such foreign port, no seizures shall be made by the persons authorized under this act, nor shall such ships be molested or detained at sea; but such persons shall indorse the certificate so produced, testifying the production thereof, and when and where met with at sea, and that the number of foreign mariners correspond with the certificate of such British consul, or such known British merchants, for the consideration and investigation of the commissioners of his majesty's customs in England and Scotland respectively.

*Property in shipping, how to be transferred.* By 34 G. III. c. 68. s. 14, no transfer, nor agreement for transfer, of the property in any ship or vessel, either in whole or in part, shall be made but by a bill of sale or instrument in writing, which shall contain a recital in words at length of the certificate of registry.

If a ship be at sea at the time when the transfer is made, so that an indorsement and certificate cannot be immediately made, the sale, or contract for sale, shall, notwithstanding, be made by some instrument in writing, and a copy thereof shall be delivered to the person authorized to make registry, who is to indorse an entry thereof on the oath or affidavit, make a memorandum in the book of registers, and give notice to the commissioners of the customs as before directed; and within ten days after the ship returns to port, an indorsement shall be made on the certificate of registry, and a copy thereof delivered as before mentioned; otherwise such sale shall to all intents and purposes be void. S. 16.

Where the owner of any ship shall, at the time of transferring the property in any ships, be abroad, so that an indorsement, &c. or such bill of sale, cannot be immediately made, the same may be done at any time within six months after such transfer, in which case, within ten days after the arrival of the owner or his agent in this kingdom, (if the ship be in any port thereof, and if not, within ten days after such ship's arrival) an indorsement on the certificate of registry shall be made, &c. as before directed. S. 17.

Masters of ships refusing to deliver up the certificate of registry to the proper person empowered to make registry, upon being required so to do by the owner or owners, or the major part of the owners, (if such master have not any property therein) or by the other owner or owners, or major part thereof, (if such master have any share therein) and upon oath being made by such owner, owners, or major part thereof, before any justice of the peace near where such refusal shall be, such justice may grant his warrant to bring the master before him; and if it shall appear that the said certificate is *willfully* detained, such master shall pay one hundred pounds, and on failure of payment shall be committed to the common jail, for not less than six months, nor more than 12. S. 18.

Upon the justice's certifying the above *willful* refusal of the master of any vessel to deliver up the certificate to the person authorized to make registry, he shall register the said ship *de novo*, the terms and conditions of the law being complied with. S. 19.

When property in any ship or vessel belonging to any of his majesty's subjects shall be transferred by

sale, and such vessel shall be required to be registered *de novo*, it shall not be done unless there be produced to the register, the bill or other instrument of sale. Provided always, that the commissioners of customs, and the governor, lieutenant-governor, or commander in chief for the time being of the islands of Guernsey or Jersey, or of any colony, plantation, island, or territory belonging to his majesty, may, upon due consideration of the particular circumstances of the case, give directions for the registering such vessel *de novo*, and granting a certificate of such registry, notwithstanding such bill or other instrument of sale shall not have been produced as aforesaid; and such registry shall be made, and such certificate thereof shall be accordingly granted, if all the other regulations required by the laws in force concerning the registry of ships *de novo* be complied with. S. 20.

If there shall be any alteration of property at the same port, and the owner shall be desirous of having the ship registered *de novo*, such ship may be so registered, provided all the rules, regulations, and conditions are complied with relative to vessels registered *de novo*. S. 21.

In case of any transfer of property in any ship whilst at sea, such ship shall proceed directly to the port for which the cargo then on board is destined, and shall sail from thence to the port of his majesty's dominions to which she belongs, or to any other such port in which she may be legally registered; and such ship may take on board in the port for which her original cargo was destined, or in any other port in the course of her voyage home, such cargo as may be legally carried to such port of his majesty's dominions where she may be so registered *de novo*. And if such transfer of property shall be made while such ship is in any foreign port, as soon as the master of such ship shall become acquainted therewith, such ship, after having delivered the cargo then on board at the port for which she is destined, shall sail thence from to the port to which she belongs, or to any other such port in which she may be legally registered; and may take on board at the port for which her original cargo was so destined, or at any other port in the course of her voyage home, such cargo as may be legally carried to such port of his majesty's dominions where she may be so registered *de*

*novo*. And if such transfer of property shall be made while such ship is on a fishing voyage, as soon as the master of such ship shall become acquainted therewith, such ship, after having finished such fishing voyage, without touching at any foreign port, except for the purpose of repairs or refreshments, or for delivering any part of her cargo, shall sail to the port of his majesty's dominions to which she belongs, or to any other such port where she may be legally registered, and may take on board at the foreign port or ports last described, or at any other ports in the course of her voyage home, such cargo as may be legally carried to such port of his majesty's dominions: and every such ship as aforesaid shall be registered *de novo*, as soon as she returns to the port of his majesty's dominions to which she belongs, or to any such port in which she may be legally registered by virtue of the said act; on failure whereof such ship shall be deemed from thenceforth to be a foreign ship or vessel, and shall not again be registered, or be entitled to the privilege of a British ship or vessel, unless upon special representation of the circumstances of the case to the commissioners of customs, or to the governor, lieutenant-governor, or commander in chief for the time being of the islands of Guernsey or Jersey, or of any colony, plantation, island, or territory to his majesty belonging, as the case may be: provided nevertheless, that in no case the ship or vessel of which the property is so transferred, shall be entitled to the privileges of a British ship or vessel, unless she shall return to the port to which she belongs, or to such other port in which she may be registered *de novo*, within the period of twelve months after the date of such transfer of property, if such ship shall not be on a voyage to the east of the Cape of Good Hope, or to the west of Cape Horn; or within two years, if the ship is on the above voyages at the time such transfer of property shall take place, except by the order of the said commissioners, governor, lieutenant-governor, or commander in chief respectively. S. 22. See *Fisheries, Navigation, Plantations, Shipping*.

REGISTER SHIP. The ships that bring home the produce of South America to Spain, chiefly gold and silver, are called register ships. See *Fleets, Gallies*.  
REGGRATING, FORESTALLING, and INGROSS-  
ING are offences so similarly injurious to the public,  
that



that they are generally classed together. *Regrating*, as described by the stat. 5 and 6 Edw. VI. c. 14, is the buying of corn, or other dead victual, in any market, and selling it again in the same market, or within four miles of the place.

*Forestalling*, by the same stat. is the buying or contracting for any merchandize or victual coming in the way to market, or dissuading persons from buying their goods or provisions there, or persuading them to enhance the price when there. *Ingraising* is also described to be the getting into one's possession, or buying up, large quantities of corn, or other dead victuals, with intent to sell them again.

Several statutes have been made against these practices in general, and also specially with respect to particular species of goods, according to their several circumstances, all of which, from the 5 and 6 Edw. II. c. 14, and all acts for enforcing the same, are repealed by stat. 12 Geo. III. c. 71. This is entitled An act for repealing several laws therein mentioned against badgers, engrossers, forestallers, and regraters, and for indemnifying persons against prosecutions for offences committed against the said act.

The preamble to this act, which is not a little remarkable, is as follows :

Whereas it hath been found by experience, that the restraints laid by several statutes upon the dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a free trade in the said commodities, have a tendency to discourage the growth and enhance the price of the same, which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster.

The act then proceeds, and expressly repeals " the 3 and 4 Edw. VI. relative to the buying and selling of butter and cheese; the 5 and 6 Edward VI. against regraters, forestallers, and engrossers; the 3 Philip and Mary, relative to the keeping of milch kine, and for breeding and rearing of calves; the 5 Eliz. relative to badgers of corn, and drovers of cattle; the 15 Car. II. for preventing the selling of live fat cattle by butchers; and the 5 Anne, entitled An act for continuing the laws therein mentioned, relating to the poor, and to the buying and selling of

cattle in Smithfield, and for suppressing of piracy, as relates to butchers selling cattle alive or dead, within the cities of London and Westminster, or within ten miles thereof, and all the acts made for the better enforcement of the same, being detrimental to the supply of the labouring and manufacturing poor of this kingdom, shall be and the same are hereby declared to be repealed."

The question of the policy of laws against these practices has recently been much agitated, and divided the opinions of men of the first talents and experience in the country.

The late minister coincides in opinion with Mr. Adam Smith, " that every thing in trade should be suffered to find its level, and that these evils would in time remedy themselves." Whilst, on the contrary, the late chief justice of the king's bench was of opinion that these practices were so injurious to the poor and middling classes of society, as to call forth the immediate punishment of the law.

Whether the practices of jobbers, or middle-men, are productive of scarcity, by enhancing the price of provisions, or whether these may be classed as a species of partial evils, the effect of which is counterpoised by the certain supply of this widely-extended and multitudinous metropolis, is a question of considerable importance.

With respect to the observations of Mr. Smith relative to the universal freedom of trade, however, as far as concerns other articles, which relating to things more or less dispensable in their nature, as any species of manufacture, or even clothing, such an opinion may be founded; provisions, or articles of the first necessity, may nevertheless constitute a particular exception to the rule.

If it were, indeed, true, that a number of wealthy individuals, stationed at all the avenues of this metropolis, were combined together to intercept the supplies coming to market, to monopolize these, and afterwards sell them at their own price; if these men had it in their power to create, in the midst of abundance, an artificial scarcity, the price of provisions would then be estimated by the avarice of the wealthy possessor, and the case of the poor man would be hard indeed.

It was ably urged by the present lord chief justice Ellenborough, upon the trial of Rusby, that the en-  
f recent

enforcement of these obsolete laws, which the legislature had expressly repealed, and emphatically pronounced that these statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and, in particular, upon those of the cities of London and Westminster; and all the acts for the enforcement of the same being detrimental to the supply of the labouring and manufacturing poor; must, if strictly enforced, prevent the regular supply of this vast metropolis, which could not be insured of its necessary supply but from the speculations of those middle men, by whom the market is certainly and effectually supplied.

It is not a little remarkable, although the ports have been recently opened for importation, and shut to the exportation of provisions, that these have, nevertheless, not decreased in price in the same proportion as was expected from such measures, although these practices of forestalling are not less practised than formerly. This, therefore, cannot be considered as the sole cause of the mischief complained of. Perhaps the depreciation of the value of money, occasioned by the vast influx of wealth, the increased population of the country, its extensive territorial acquisitions, the quantity of paper currency, and, above all, the vast increase of the national debt, with the necessarily consequent increase of taxes, may be the best mode of accounting for the present high price of the markets, of which so many complain, but so few know how to remedy. See *Maximum*.

RE-INSURANCE. See *Marine Insurance*.

REMITTANCE, the payment of money in one country, either by sending cash, a bill of exchange, draft, or order for payment. Bankers are, in general, the agents through whose hands remittances are sent; and the money paid them, in these cases, for trouble, &c. is also called remittance.

REPRESENTATION. See *Marine Insurance*.

REPRISALS. See *Law of Nations*.

REQUESTS. See *Courts*.

RESPONDENTIA. See *Bottomry*.

RESTITUTION is where any money has been wrongfully received or paid by mistake, and the party so paying is entitled to demand it back. See *Mistake*.

RETURN OF PREMIUM. See *Insurance, Marine*.

RHODE ISLAND, one of the United States of Ame-

rica, about 70 miles in length, and 46 in breadth. It takes its name from the small island on the coast, only thirteen miles in length and four in breadth, and is a particularly fertile and delightful spot. For the exports, imports, and trade, see *United States*.

RIGA, a large commercial sea-port of Russia, the capital of Livonia, and situated on the river Dwina. Corn, skins, leather, timber, and naval stores compose its chief exports; but as the trade and productions of Russia have been treated at great length, we refer to the article *Russia*. Riga is situated E. long. 24 deg. 25 min. and N. lat. 57 deg.

RIVERS. By stat. 4 H. VII. c. 15, the lord mayor of London is to have the conservation in breaches and ground overslow, as far as the water ebbs and flows in the river Thames.

By stat. 4 G. III. c. 12, maliciously to damage or destroy any banks, sluices, or other works, on such navigable river, to open the flood-gates, or otherwise obstruct the navigation, is made felony, punishable with 14 years transportation; but persons may justify the going of their servants or horses upon the banks of navigable rivers, for towing of barges, &c. to whomsoever the right of the soil may belong. 1 *Ld. Raymond* 725.

ROME, a great city of Italy and the capital of the ecclesiastical states, latitude 41 deg. 43 min. north, longitude 30 deg. 10 min. east. It contains about 160,000 inhabitants. Oil, wine, silk and fruits, the production of that fine soil and climate, compose its articles of export, to which may be added grain and wool.

Some sorts of perfumery and fine artificial flowers are the manufactures in which modern Rome excels, nevertheless there are some of ribbons, satins, and velvets. The fine arts of painting and sculpture are those most cultivated at Rome, and in which that city yet excels. It is the school of arts and admiration of strangers from all parts, who go there to study and admire the relics of grandeur of the ancient mistress of the world. Civita Vecchia is the sea-port of Rome, but the commerce is so small amount and of little importance.

ROTTERDAM, a great city of the United Provinces of Holland, next to Amsterdam in riches, commerce, and population. The communication between

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# ROU

tween this city and the sea is more commodious and facile than that of Amsterdam itself, nor indeed is there in the world a city that offers equal facility and ease for trade in other respects; it is an exact copy of Amsterdam on a smaller scale. It contains near 60,000 inhabitants, and is situated on the Meuse, about 15 miles from the sea. See *Amsterdam* and *Seven United States*.

ROUEN, a city of France and capital of the province of Normandy. It is situated on the north side of the Seine, between Paris and Havre de Grace; it may be said to be the sea-port of the former, and the *dépôt* of the latter, for supplying the interior of the country with foreign merchandizes.

Woollen, cotton and silk cloths, stockings, hats, and many manufactures are carried on at Rouen, of which the prosperity, as well as that of Havre and all the towns on the coast, depends chiefly

# ROY

on the trade with the West Indies and America. Since the commencement of the revolution, Rouen has suffered greatly; for, though it did not attract the fury of the violent party to the same degree with Lyons, the revolts in St. Domingo and the other islands, together with the complete destruction of all maritime connection between France and the rest of the world for a number of years, has given it a blow that will not very soon be recovered.

ROYAL EXCHANGE, the meeting place of the merchants of London, stands in the ward of Cornhill, and is the finest and strongest building of the kind in Europe. It was founded in the year 1566.

Merchants, and such as have business with them, meet every day at 'Change hours; and, for the more regular and readier dispatch of business, they dispose of themselves into separate walks, according to the following plan:



RUSSIA, the most extensive empire in the world, exceeding in number of square miles the whole of the Roman empire at its greatest magnitude.

As this country is so extensive, so important, and so recently started into commerce and civilization, it may not be useless nor improper to enter at greater length into the details concerning it, than of countries better known. In doing this, a better guide cannot be followed than professor Petri, of Erfurt, who published a memoir on that subject, after having spent 10 years in travelling over that extended country.

Russia comprises in her vast territories an immense quantity of productions. Her mountains, her rivers, her forests, her fields, abound in riches; but most of their products remain in their rude state, till wrought by foreign industry; they then return to the soil whence they sprung, after paying handsomely for the change they have undergone. Russia might export considerable quantities of a multitude of articles, as iron, copper, wood, grain, cattle, charcoal, fish, wines, fruits, tobacco, leather, hemp, furs, salt, alum, sulphur, cotton, silk, gold, silver, camels, honey, isinglass, rhubarb, wool, capers, horn, seal-skins, poultry, saltpetre, linseed, linseed-oil, pitch, tallow, &c.

The balance of trade is continually becoming more and more favourable. However high the price of commodities may be, she cannot lose, because she only barter, without purchasing.

	Rubls.	Rubles.
In 1780 the amount of Imp. was	6,600,000	of Exp. 10,200,000
1790 - - - - -	13,500,000	17,200,000
1795 - - - - -	14,500,000	21,280,000

What an evident advantage in favour of the trade of Russia! But the wants of this empire increase every year in proportion to its industry; so that at length its productions will scarcely be sufficient to satisfy the luxury of the middle class, if its inhabitants neglect to make the most of those resources which nature has lavished with such prodigality.

Amongst the commodities the consumption of which has been increased at home by luxury to the detriment of exportation, may be reckoned many articles, as horned cattle, leather, tallow, isinglass, furs, wood, hemp, &c. If the quantity of these commodities be augmented, the balance of trade is secured in her favour. In fact,

leather, oxen, and furs, form a principal object in the commerce of Russia. In 1790, she sold oxen to the amount of 81,000 rubles, whilst her purchases did not exceed 25,000; she received 2,500,000 rubles for leather, and 1,103,009 rubles for tallow. The southern provinces of the Russian empire, Astrakan, Orenburg, the governments of Azof, Perm, and Tour, raise numerous flocks; an employment less laborious than agriculture, as nature provides for them every thing necessary.

The fisheries, if well managed, would produce great profits from isinglass and caviar; the sturgeon which yields them being very common in the Volga. The sale of caviar brings in 50,000 rubles, and that of isinglass upwards of 80,000. The mouths of the Ob and of the Jenesei likewise abound with this species of fish. The exportation of fish-oil, which amounts annually to 100,000 rubles, is equally susceptible of augmentation. The whale-fishery, in the gulf of Kola, might be turned to much greater advantage than is derived from it. Russia sells furs to the value of above 80,000 rubles: her purchases of that article amount only to 50,000. The discovery of the Kurile, Aleutian, and Foxes' islands, is of incalculable importance, on account of the valuable furs they furnish, as foxes, sables, hares, &c.

The produce of the forests is not less considerable. Riga furnishes annually 250,000 mats; and the exportation of this article alone, throughout all Russia, amounts to 3,000,000 mats. It can scarcely be conceived how a sufficient quantity of bark can be procured for manufacturing them. She exports timber for building, to the value of 1,500,000 rubles; pitch and rosin, 106,900 rubles; potash, 78,000 rubles. The forests on the Okka, Moksha, and Kama, celebrated for their linden trees, supply beautiful wax, excellent honey, and great quantities of bark.

The exportation of yellow wax alone amounts annually to 112,000 rubles, and of wax-candles to 8,000. In 1792, the value of tallow exported was 968,000 rubles, of candles 95,000, of raw silk 89,000, and of hares' skins 72,000. Russia exports wheat to the value of 1,000,000 rubles, and of rye 60,000.

The hemp and flax are of a superior quality, and particularly those of Riga and Denja. The linseed oil exported amounts to 300,000 rubles; linseed,



seed, 105,000; hemp, 2,000,000; flax upwards of 3,000,000; and sails and cordage, 1,500,000. The amount of iron exported is 1,897,000 rubles, of hardware 25,000; the imports do not exceed 15,000. The copper and lead exported amount to 71,000 rubles, of which the value of 45,000 is in manufactured goods.

At Moscow and Petersburg are numerous silk manufactures, but they are inadequate to the supply of the country. Not only silk goods, to the value of above 1,500,000 rubles, are imported, but even raw silk to the amount of 400,000. There are mulberry trees sufficient for the nourishment of silk worms; which are found in abundance on the shores of the Volga, the Sarpa, the Don, in the Ukraine, &c. Silk worms are kept only at Astrakan, at Tzaritzin, at Kioff, and at Moskwa on the Terek. Russia likewise produces cochineal: her imports of that article amount to 150,000 rubles, and her exports to Persia and Bucharia, to 130,000 rubles. But in Belgorod and Woronez there is an insect very nearly resembling that which produces Indian cochineal, called Smilka, or Tcherwetz, which attaches itself to the roots of wild strawberry, rye, cinquefoil, &c. This insect affords the same colour, but less intense.

Buffalo hides, it is well known, furnish the best sole leather. It is an important article for the Smyrna trade. Astrakan, Orenburg, Casan, the governments of Azof, of Woronesch, and of Charkof, abound in buffaloes and horned cattle. The climate and pasturage are both excellent. Oak bark, necessary for tanning, may be procured in the same parts in any quantity.

The vegetable productions of Russia are very numerous; yet, materials for dyeing, such as madder, brazil wood, saffron, indigo, &c. are imported to the amount of 140,000 rubles. The plant *rubia tinctorum* linn. grows in abundance in Astrakan, on the shores of the Terek, the Kuma and Kura. In Astrakan, and likewise in Orenburg, Kasan, Woronesch, and Azof, there are wild plants which would be excellent substitutes for madder, especially the *cruciata palustris maxima*. The *eriganum* yields a very beautiful crimson. Saffron, of which a quantity is used exceeding 6,000 rubles in value, grows spontaneously near the Mosdok, on Caucasus, and on the Terek. The im-

port of indigo amounts to 50,000 rubles, and the export of that article to Asia, to 60,000. The broom (*avenis vernalis*) found between the Volga, the Dnieper and the Nerprun, gives silk a yellow colour as beautiful as it is durable. The young leaves of the *bauhan*, with alum, are used for dyeing woollen stuffs yellow. These plants and trees, it is true, will not become articles of commerce; but their use would at least prevent the importation of those colours from abroad.

The fine cloths, cambric, linen, &c. manufactured from flax bought in Russia, where the ashes for bleaching it are likewise abundantly procured, which return to the country, amount to 80 or 90,000 rubles. Very good and very fine linen is made here, but it is inferior in whiteness to the Silesian. On the Island of Oesel there is a manufacture of cambric, which has arrived at a tolerable degree of perfection. As Russia has very good and fine rags, the paper should be cheap and of good quality: the value of that commodity imported is 33,000 rubles. The paper mills of Livonia and Moscow furnish excellent samples, but in very small quantities, notwithstanding the coldness of the climate, which is favourable to that manufacture. The paper of Repnin is good enough for ordinary use, but it is dear. The most common papers, as blotting and packing paper, which with pasteboard, are made in great quantities, and at a low price. Manufactures of coloured and marbled papers, formerly before imported from abroad, have been established within these ten years.

The raw cotton imported amounts to 30,000 rubles, cotton thread to 10,000, and cotton stuffs to one million of rubles; yet the country possesses the means requisite for diminishing this expenditure. The cotton tree thrives in Astrakan and Orenburg; it is even cultivated at Kistlar, and the female Tartars of the two former provinces are expert spinners. The *linagotris* and *bundtkohl*, which grow in abundance in Astrakan, the Ukraine, the province of Ufa, and on the Don, are not less valuable. The former abounds likewise in Livonia, Ingerman land, Zoer, Novgorod, Archangel, and Siberia. In the month of July an immense crop might be gathered. The wool of these plants mixed with one-fourth of cotton would make excellent stuffs, hats, stockings, &c.

Manna, which is collected in summer on the stems of plants, and of which a kind of flour is made, is a production peculiar to Livonia. The manna plant thrives in marshy situations, and is found in Pleskow, Polozki, Woskwa, Twersch, and Smolensk. This seed is gathered in abundance in Silesia, Poland, and Prussia, and is much smaller than poppy seed.

Russia lays out 100,000 rubles per annum for English beer, and yet they brew beer of an excellent quality at Moscow, Petersburg, and Riga, and in Livonia.

The vine thrives only in the southern provinces of Russia: the importation of wines amounts to 500,000 rubles. Fine bunches of grapes are often sent from Astrakan to Petersburg. They are cut green, and put into casks, filled with sand or millet, and ripen on the road. The grape thrives in Astrakan, on the Terek, on the Don, from the mouth of the Tchemla to Azof, in the gardens on the mountains. The quality is excellent. The Georgians and Armenians are well acquainted with the culture of it, and the vintage is frequently very productive.

The German colonists of Saratof, and the Hungarians, Moldavians, and Bulgarians, who inhabit the provinces of Bachmuth and Elisabethgrad, are skilful cultivators of the vine. On the Terek the quantity of wine made is so great, that, after the vintage, the *wedro* (gallon) sells for only 25 or 30 copecks: but this wine will not keep above a year, which often leads the Cossaks and military into excesses prejudicial to their health.

Proper attention is not bestowed on the cultivation of fruits; a few years ago the importation of prunes amounted to 18,000 rubles; apples and pears 40,000 rubles; conserves 16,000 rubles; chesnuts 25,000 rubles; nuts 5,000 rubles; figs 11,000 rubles; almonds 20,000 rubles; preserved peaches and apricots 4,000 rubles. Fruits abound in Courland, in the Ukraine, at Kasan, Orenburg, Astrakan, and Novogorod; they may even be multiplied there to such a degree as to supersede the necessity of importation. Their quality is good, and the cherry wine is particularly excellent. Peaches and apricots succeed in the open air at Azof, Kislär, Astrakan, and Tcherkasch: it would be extremely easy to cultivate them in those parts. Nuts are very common in the

Ukraine, chesnuts at Kiof and Lubin; they would likewise thrive in Astrakan, Azof, Orenburg, &c. if attention were bestowed to plant them on a declivity. Almonds flourish at Tcherkasch, and even in Kiof. Figs come to maturity in the open air, only at Kislär. They might perhaps likewise be cultivated at Azof, on the Terek, the Kura, and the Kuma, as well as almonds.

The mineral productions likewise form several important branches. Russia is rich in iron, copper, lead, and salt, and yet for the latter she pays to foreign countries 500,000 rubles. The salt-water lakes at the mouth of the Dnieper, and on the coasts of the sea of Azof, the salt springs in the vicinity of the Donez and the Phol contain prodigious quantities of it; but the inhabitants neglect to turn it to any account.

Sulphur, to the amount of 20,000 rubles per annum, is imported into Russia, although she has a sufficient quantity within herself: it is found in large pieces on the Terek, near the Hot-baths, at Sernaja-Gora on the Wolga, and on the Orgnu. Sernaja-Gora formerly produced great quantities of sulphur annually; but these useful mines are now neglected to purchase sulphur abroad. The value of alum imported exceeds 60,000 rubles. There is a rich alum mine on the Griasnöer, which has been worked for 25 years. This salt is likewise found in the mountains of Altai, at Kosalsk, in Kaluga, on the Jenesei, and at Saratof. The transparent stone is likewise found in Siberia, which may be split with a knife, and used either for glazing windows or for lamps; but it is principally employed in ships, because the shock of the guns does not break it so easily as common glass. It is sold in pieces of three quarters of a yard square, and costs two or three rubles per pound.

Upwards of 125,000 rubles annually leave the country to purchase scythes. It will scarcely be credited, that Russia does not fabricate a sufficient number of such necessary instruments; almost all come from Austria and Tyrol. A wealthy Russian once established a manufacture of scythes; he procured for this purpose a skilful artificer from Austria: the latter furnished excellent work, and all went on well; but the proprietor had given private orders to the Russian workmen to learn of the artisan the secret

of his art. As soon as they thought themselves in possession of it, they apprised their master, who, rejoicing that he was able to dispense with the services of this expensive foreigner, contrived a quarrel with and discharged him; but he found that the scythes made by the Russians were not sufficiently hard, and that they bent when used. The manufacturer had kept secret the method he employed to temper them. The proprietor sent after him again, but nothing could persuade him to return to a country in which he had been so ill rewarded. Since that time none of these articles has been made in Russia.

Above 150,000 rubles leave the empire for tiles and china ware, though these articles are made in Russia. The neighbouring Asiatic nations supply it with glass beads and small looking glasses, to the value of 15,000 rubles; about 12,000 rubles are paid for crystal vases; 30,000 rubles for window glass; 12,000 rubles for glass bottles; 32,000 rubles for coral.

At Tula, Sisterbeck, Petersburg, and Moscow, there are manufactures of steel, iron, cloth, silk, wool, hats, &c.; these commodities are inferior in quality, and dearer than those imported; yet the proprietors derive the greatest profit by passing off foreign goods for those of their own making, to secure a monopoly of them.

Most of the proprietors have not capital sufficient to carry on their fabrics with spirit; few of them have been abroad; the workmen are not masters of their business, and the proprietors themselves are acquainted with only some of its branches. Were it not for all these defects, what immense sums might be gained by the state! The Russians are capable of perfection, witness the Imperial manufacture of tapestry, which in point of workmanship rivals that of Paris. The manufacture of porcelain produces articles of superior excellence. The clay, which formerly came from the Ural, is now procured from the Ukraine; but it is a pity that the goods in general should be dear, badly varnished, and not very durable.

There are 90 fabrics at Petersburg for the manufacture of wool, leather, silk, glass, porcelain, wax, paper, gold and silver, calicoes, sugar, tobacco, &c.

Those of leather are the most important, and export considerable quantities. There are seven fabrics of silk, but they are not sufficient for the demand. The manufacture of looking-glasses furnishes very fine, large and elegant mirrors. Out of the city there are three paper mills, four manufactories of coloured paper for hangings, the designs of which indeed are not elegant, but which in brilliancy of colour, solidity and cheapness, far surpass the foreign. There are also eight manufactories of playing cards, for which there is a vast demand.

Six fabrics furnish thread, embroidery, twist, and lace. There is likewise a manufactory of watches by French and Swedish watchmakers, five founderies of printing types, eight sugar houses, and numerous petty snuff manufactories. There are so many tobacco chandlers, that they not only supply the home consumption, but likewise export considerable quantities of candles to foreign parts.

On the island of Oesel there is a manufacture of cambric, the property of Count Steinbeck. There are also fabrics of pins and needles at Petersburg, Riga, Moscow, Revel, Narva, Dorpat. All the goods produced by these manufactories are much dearer than those of other countries, and are not adequate to the consumption; so that great quantities are imported from abroad.

Upon the whole, the Russians must yet make great exertions to place themselves by their industry in the rank of the principal nations of Europe.

Astonishing as the progress of Russia is in manufactures and civilization, yet it is clear, from the nature and extent of the country, that the consumption of foreign articles of luxury must advance more rapidly than its own manufactures, consequently our trade there will increase; for, as the Russians require and obtain long credits, which this country alone can grant, we may expect to enjoy the greater share of its trade. The above quoted ingenious author enters at length into the means of improving Russian manufactures, and her internal industry: his remarks may be of great utility, though he certainly is mistaken in his great outline in aiming to make Russia rival other nations in finely finished manufactures. Her industry and capital may be better employed in  
bringing

bringing to perfection those raw materials found in such abundance, in doing which they will have no rival.

RUSSIA COMPANY, was established by the 1st and 2d of Philip and Mary, and afterwards by 8th Eliz. The patent was confirmed to the said company by the name of the fellowship of English merchants for

the discovery of new trades, excluding all British subjects from the trade to Russia without the consent of the governor, consuls and assistants; but by 10 and 11 William III. c. 6. s. 1, it is enacted that every subject of the realm shall, upon request to the governor, consuls and assistants, be admitted into the said fellowship on paying the sum of 5l.

## S.

## S A L

**S**AFE CONDUCTS and PASSPORTS. A safe conduct is a security given by the king, under the great seal, to a stranger, for his safe coming into, and passing out of the realm. Passports, however, under the king's sign manual, or licences from his ambassadors abroad, which are now more usual, are obtained with equal facility.

As early as *magna charta*, c. 30, all merchants (unless publicly prohibited beforehand) shall have safe conduct to depart from, come into, tarry in, and go through England for the exercise of merchandize, without any unreasonable imposts, except in time of war.

By stat 31 Hen. VI. c. 4, if any subjects attempt to offend upon the sea, or in any part under the king's obedience, against any stranger in amity, league, or truce, or under safe conduct, and especially by attacking his person, or spoiling him, or robbing him of his goods, the lord chancellor, with any of the judges, may cause full restitution and amends to be made to the party injured.

Various statutes have been made relative to this subject, but the above is the *only act* remaining in force.

**SALE OF GOODS.** If a man agree for the purchase

## S A L

of goods, he shall pay for them before he carries them away, unless some term of credit is expressly agreed upon.

If one man says the price of this article is 100l. and the other says I will give you a 100l., but does not pay immediately, it is at the option of the seller whether he shall have it or no, except a day was given for the payment.

If a man, upon the sale of goods, warrants them to be good, the law annexes to this contract a tacit warranty, that if they be not so, he shall make compensation to the purchaser; such warranty must, however, be on the sale. But if the vendor knew the goods to be unsound, and hath used any art to disguise them, or if in any respect they differ from what he represents them to be to the purchaser, he will be answerable for their goodness, though no general warranty will extend to those defects that are obvious to one's senses.

If two persons come to a warehouse, and one buys, and the other, to procure him credit, promises the seller, "if he does not pay you, I will;" this is a collateral undertaking, and void, without writing, by the statute of frauds; but if he says, "let him have the goods, I will be your paymaster," this is an absolute



lute undertaking as for himself, and he shall be intended to be the real buyer, and the other to act only as his servant. 1 *Salk.* 27. 2 T. R. 73.

After earnest given, the vendor cannot sell the goods to another without a default in the vendee; and therefore if the vendee does not come and pay, and take the goods, the vendor ought to give him notice for that purpose; and then if he does not come and pay, and take away the goods in convenient time, the agreement is dissolved, and he is at liberty to sell them to any other person. 1 *Salk.* 113.

An earnest only binds the bargain, and gives the party a right to demand; but demand without payment of money is void.

If A contracts with B for the sale of 50 jars of oil, which he is bound to deliver, and tenders him only a part, A is not bound to accept them. 5 *Mod. Rep.* 71. See *Agreement, Auction, Bargain, Broker, Earnest, Delivery, Factor, Fraud, Sale.*

**SALVAGE AND STRANDED SHIPS.** Salvage may be divided into two parts, viz. that which is due for stranded ships, and that which may be claimed for recaptures.

*Salvage on stranded ships.* By 12 Ann. stat. 2. c. 18, modified and improved by st. 26 G. III. c. 19, the following judicious regulations have been established. In all parts of England, except the cinque ports, magistrates and chief officers of port towns near the sea, coroners, commissioners of the land tax, constables, headboroughs, tithing men, and officers of the custom or excise, upon application made to any of them, by or on the behalf of the chief officer of any vessel belonging to the king's subjects or others, in danger of being, or actually being stranded, or run on shore, are empowered and required to command the constables of the ports nearest to the coast to call together as many men as shall be necessary to the assistance, and for the preservation of the distressed ship and its cargo; and if any other ship belonging to the king or his subjects happens to be riding at anchor near the place of distress, the officers of the customs, and constables, or any of them, are empowered and required to demand of the superior officer of such ship assistance by his boats, and such hands as he can conveniently spare; and if such superior refuses or neglects to give such assistance, he

shall forfeit too, to be recovered by the superior officer of the ship in distress, with costs of suit, in any court of record. In order to prevent confusion among the persons assembled, they shall conform, in the first place, to the orders of the master or other officers, or owners, or the persons employed by them; and for want of their presence and directions, to the orders of the persons authorized to execute these statutes, in the following subordinations, as they happen to be present, namely, officer of the customs, officer of excise, sheriff or his deputy, justice of the peace, mayor or chief magistrate of a corporation, coroner, commissioner of the land tax, chief constable, petty constable, or other peace officer, under the penalty of 5l. for wilful disobedience of such orders. In case of need, and the absence of the high sheriff, any justice of the peace may take sufficient power of the county to repress all unjust violence, and to enforce the execution of the statute; and the commander of the ship in distress, or officer of the customs, or constable on board the same, may compel by force persons who, without their consent, press on board the ship, and thereby molest them in its preservation; and for the information of persons interested, who may happen to be absent, the officers of the customs shall, as soon as convenient, cause all persons belonging to the ship and others, who can give an account thereof, or of the cargo, to be examined upon oath before some justice of the peace, as to the name or description of the ship, the names of the master and owners, and of the owners of the cargo, and of the places of departure and destination, and the occasion of the ship's distress; which examination the justices are to take in writing, and to deliver a copy thereof, with a copy of the account of the goods, to the officer of the customs, who shall transmit the same to the secretary of the admiralty, who shall publish, in the next London Gazette, so much thereof as shall be necessary for the information of the persons interested. And for the encouragement of persons who give their assistance, and for adjusting their reward, the first statute provides, that the officers of the customs, master of any ship, and all others who shall act, or be employed in the preservation of ship or goods, shall within 30 days be paid a reasonable reward by the master, mariners, or

owners

owners of the ship in distress, or the merchant whose ship or goods shall be saved; and in default, the ship or goods saved shall remain in the custody of the officer of the customs, or his deputy, until the persons employed shall be reasonably gratified, or good security given for that purpose to their satisfaction; and after such salvage, in case of disagreement touching the monies deserved by any of the persons employed, the commander of the ship saved, or owner of the goods, or merchant interested therein, and the officer of the customs or his deputy, may nominate three of the neighbouring justices of the peace, who shall thereupon adjust the quantum of gratuities to persons acting or being employed in the salvage; and such adjustments shall be binding to all parties, and shall be recoverable in an action at law by the respective persons to whom the same shall be allotted; and if no person shall appear to make his claim to any of the goods saved, the chief officer of the customs of the nearest port to the place where the ship was in distress, shall apply to three of the nearest justices of the peace, who shall put him or some other responsible person in possession of the goods, such justices of the peace taking an account in writing of the goods to be signed by such officer of the customs; and if the goods shall not be legally claimed within the space of 12 months next ensuing by the rightful owner thereof, then public sale shall be made thereof, and if perishable goods, they shall forthwith be sold, and, after all charges are deducted, the residue of the monies arising by such sale, with a fair and just account of the whole, shall be transmitted to the Exchequer, there to remain for the benefit of the rightful owner when appearing, who upon affidavit or other proof made of his right or property thereto, to the satisfaction of one of the barons of the exchequer, shall, upon his order, receive the same.

By stat. 26 G. II. c. 19. s. 6, the justice of the peace, mayor, bailiff, collector of the customs, or chief constable, who shall be nearest to the place where any ship or goods shall be stranded, shall forthwith give public notice for a meeting to be held as soon as possible of the sheriff or his deputy, justices of the peace, chief magistrates of towns corporate, coroners, and commissioners of the land tax, who, or any five or more of them, are required and em-

powered to examine persons upon oath, adjust the quantum of salvage, and distribute the same among the persons concerned; and the sheriff and other persons before mentioned, attending and acting at the meeting, shall each be paid 4s. a day for his expences in such attendance out of the effects saved.

And if the charges and rewards of salvage directed to be paid by the preceding statutes shall not be paid, or sufficient security given for the same within 40 days next after the services performed, the officer of the customs concerned in that salvage may borrow and raise as much money as shall be sufficient to pay such charges and rewards, or any part thereof then remaining unpaid or unsecured, by bill of sale under his hand and seal of the ship or cargo saved, or a sufficient part thereof; redeemable, nevertheless, upon payment of the principal borrowed, and interest at four per cent.

By stat. 26 G. II. c. 19. s. 5, in case any persons not employed by the master, mariners, or owners, or other persons lawfully authorized in the salvage of any ship, or the cargo or provision thereof, shall, in the absence of persons so employed or authorized, save any ship or goods, and cause the same to be carried, for the benefit of the proprietors, into port, or to any adjoining custom-house or place of safe custody, immediately giving notice thereof to some justice, magistrate, custom-house or excise officer, or shall discover to any such magistrate or officer where any such effects are wrongfully brought, sold, or concealed, such persons shall be entitled to a reasonable reward, to be paid by the master or owner of the vessel or goods, and to be adjusted, in case of disagreement about the quantum, in the same manner as salvage is to be adjusted, either by the first or latter statute, as the case shall require.

By stat. 3 G. I. c. 13. s. 6, the provisions of the preceding act, with some little modifications, have been extended to the cinque ports, and the lord warden may appoint persons to adjust and determine any differences relative to the quantum of salvage.

*Salvage upon recaptures.* By stat. 33 G. III. c. 66. s. 42, the rate of salvage was fixed at *one-eighth* for the royal navy, and *one-sixth* for private ships; but recaptured ships, set forth by the enemy as vessels of war, shall wholly belong to the recaptors, and

and not be restored to the original owners. And by the 44th section of this statute it is also provided, that if a ship be retaken before she has been carried into an enemy's port, it shall be lawful for her, if the recaptors consent thereto, to prosecute her voyage; and the recaptors need not proceed to adjudication till six months, or the return of the ship to the port from whence she sailed; and by consent of the captors, the cargo may be unloaded and disposed of before adjudication; and if the vessel does not return directly to the port of her departure, or the recaptors have had no opportunity to proceed to adjudication within six months, on account of the absence of the vessel, the court of admiralty shall, at the instance of the recaptors, decree restitution to the former owners, paying salvage, upon such evidence as shall appear reasonable, the expence of such proceedings not to exceed the sum of 14l.

With respect to salvage upon recapture, the principle adopted by Great Britain is at once consistent with national policy and private justice; and this principle cannot be better illustrated than by the observations of Sir William Scott, in the case of the *Santa Cruz*, who declared, "that the maritime law of England had adopted a most liberal rule of restitution on salvage, with respect to the recaptured property of *its own subjects*, and had extended the benefit of that rule to *its allies*, until it appeared that they had acted towards British property on a less liberal plan; in such a case it adopted their rules, and treated them according to *their own measure of justice*." Upon this principle the *St. Jago* was not restored to the king of Spain, because retaken from his *then enemy*, the French, under circumstances in which British property, retaken by the Spaniards, had been condemned in the Spanish courts, and upon the same principle two Portuguese vessels were also condemned.

**SANCTUARY.** See *Asylum*.

**SARDINIA**, an island in the Mediterranean Sea, south of Corsica, 58 leagues in length and 30 in breadth, with a population amounting to about 280,000 persons. The population is far under what it naturally would be if the ground were properly cultivated, and a number of morasses drained which render it very unhealthy. Its exports consist of wheat, salted tunny fish, wine, oil, salt, tallow, hides, sheep skins, doe

skins, goats, &c.; but the wheat is by far the most considerable article. The imports consist of cloth, silk, cottons, hats, hardwares, cutlery, jewellery, sugar, coffee, all sorts of groceries, iron wares, and other manufactured goods.

Formerly the cloths were all of French manufacture, but the English have obtained possession of the market for that and many other articles before the late revolution, on account of the long credits they give, and the lowness of prices.

**SAVOY**, a northern country of Italy, about 30 leagues in length from north to south, and 25 in breadth from east to west. The inhabitants amounting to about 400,000, are industrious and economical; but it is not a place of trade or commerce, being full of mountains, some of which are eternally covered with snow. It is now termed the Department of Mont-Blanc, and forms a part of the French Republic. A few printed cloths are manufactured; and a small quantity of extra produce of the lands, together with the money spent in the country by strangers, enable the inhabitants to purchase the few necessaries and luxuries which they require from other countries.

**SAXONY.** There are two territories in Germany called by the name of the Circles of Upper and Lower Saxony, besides the Electorate of Saxony, and a duchy of the same name. In the countries comprehended under that name in the north of Germany there are many manufactures, such as those of gold and silver at Dresden, Leipsig, Wassenfels, Shruberg, and Shwartsberg; porcelain, brass, copper, fire arms, swords, and cutlery, cloths of wool, cotton, and linnen, fine and coarse, of all sorts, velvets, damask cloths, silk handkerchiefs, glass of all sorts, morocco leather, hosiery, &c. &c. This country and the Netherlands were the original seat of the manufactures and commerce of the north of Europe. The towns that still retain the name of Hans Towns, are in the circle of Lower Saxony, Hamburg and Lubec being of the number. For the commerce, see *Hamburg*, *Bremen*, *Lubec*, and *Leipsig*.

**SCOTLAND**, the northern part of Great Britain, and a separate kingdom till 1603, when the crowns of England and Scotland were united in the person of James VI. of Scotland, who became James I. of Great Britain. The kingdoms were firmly united in the



the reign of Queen Anne in 1707, since which the representatives of both people meet in one parliament.

Scotland in many respects resembles Switzerland and Savoy. There are many mountains, and the soil is unequal; the people likewise are economical and industrious. In point of history, and the interest Scotland excites, it might afford a larger article than much greater and more important countries; but, as a commercial country, it does not rank so high as many that are less. Corn and cattle have always been exports from Scotland, but the staple of the country is linen, of which the qualities are various and excellent. There are many good harbours both on the east and west coasts. Coals are found in many different parts. It is intersected by rivers, and interspersed with lakes; and as there is no great distance between sea and sea, it is well situated both for manufactures and commerce, and consequently, according to circumstances, has succeeded in both. The balance of trade has been uniformly in favour of Scotland, although a considerable portion of the wealth of the country comes annually to London, where the great landlords reside during a principal part of the year. This is however no more than is the case with every province of a great nation, and therefore can be considered as no particular hardship on Scotland. By the union between the two kingdoms of England and Scotland, the situation of both has been greatly ameliorated. Circumstances, not the nature of things, had divided the two governments, and while they remained so, their mutual enemies stirred up perpetual war and discord, and thereby impeded their prosperity.

By the act of union, the relative situations of the two countries in respect to wealth, at the time, was taken into consideration in such a manner, that now, when the proportion has altered, the rate of taxation is very low and favourable for Scotland. The land-tax in England at that period amounted to 1,997,763*l*. and in Scotland to 48,000*l*. which is little more than a 42*d* part, and it is settled by the 9*th* article, that in future all augmentations should be made in the same proportion. At the present day the proportion of the rental of England to that of Scotland does not exceed that of ten to one; of consequence the tax is four times as heavy on England as on Scotland.

With regard to the produce of all other taxes in the two countries, they were before the last war about the proportion of 20 or 25 to 1, and the wealth of the countries was then probably as 12 or 14 to 1; so that, if heavy taxes are a great grievance, Scotland may boast of a great advantage. While in revenue Scotland has been thus favoured, in commercial regulation she has been put in general on an equal footing; where there is a difference, it is in her favour.

For a long time after the union, that is, till after the second rebellion in 1745, the country languished, and it is to the ability and genius of Sir Robert Walpole that the north of Britain owes its first awakening from this state of languid inactivity. Scotland now improves more rapidly than any other part of the island, and there is not a doubt that it will continue still to increase in prosperity. About 60 years ago, when the post from London went only thrice a week to Edinburgh, one day there was but a single letter arrived in the mail bags; and now, that it goes six times a week, the daily average is about 1400 letters. The banking system has been carried to a great length in Scotland, and, in some instances, on a more liberal plan than even in England. The great canal of Scotland, that joins the Perth and Clyde and the Western and German Oceans, is upon a greater scale than any other thing of the sort in Britain. The iron work at Carron is also on a most grand and extensive scale; but neither the one nor the other have been productive to the adventurers in shares. The Scotch have a disposition to go more splendidly, but with less solidity, to work than the English; but they have of late years, however, got more into the spirit and manner of their southern neighbours.

As Scotland is the narrowest part of the island, it has a greater proportion of sea-coast than any other, and therefore the fisheries are particularly an object of attention and source of wealth. The herring and cod fisheries, and those for salmon and whales, are greatly attended to in Scotland, and have met with great support from the public spirit of the nobility and gentry, whose love for their country is not exceeded by any similar class of men on the face of the earth.

Savoy and Sardinia have increased their wealth considerably, by the return to their country of old men, who had left it in their youth, and return with the savings



savings of a life of industry; but Scotland is enriched in the same manner, and upon a grander scale. The numbers of Scotchmen who return with immense fortunes from the East and West Indies, as well as from London, which they have made in commerce, is beyond calculation, and almost beyond belief. This accounts for the rapid increase in riches, and the improvements in agriculture, that are visible within the last 40 years all over that interesting country.

SCOTIA, NOVA, a province in North America, to the north-east of New England; it is 130 leagues from north to south, and 100 from east to west, on the south side of the gulph of St. Lawrence, and belongs to the English.

The peninsular situation of this country, and its proximity to Newfoundland, its great number of creeks, bays, and good harbours, render it a valuable colony to the English nation.

Halifax is the capital of this country, and the seat of government; it is situated in the 44th degree, 40 minutes north latitude, which in Europe or Asia would be a warm climate; but here it is the contrary, and is as cold as if in the 58th or 60th degree on the old continent.

The country is fertile, and furnishes corn, fruits, and garden stuffs of all sorts in abundance, together with sheep and cattle. The timber is in great quantity and of a large growth. The sugar maple is one of the principal treasures of this country. Those trees, when pierced, and a small cock inserted, produce a liquid, from 16lbs. of which 1lb. of sugar is extracted. The largest trees produce about 20 gallons a year, and the small about half the quantity. When this juice is evaporated, the sugar is found at the bottom, in the same manner as salt is at the bottom of the boilers called salt-pans. Mines of coal and iron abound throughout this country, and the timber for the construction of ships is in great quantity.

The commerce between this country and the eastern states of America, as well as the British West Indies, is very considerable, and was rapidly increasing till the revolution commenced; and it is probable that now peace is restored, it will continue augmenting to the great advantage of the mother country.

SEA. The main sea beneath low water mark, all round England, is part of England, for there the

admiral hath jurisdiction. 1 Inst. 260. 5 Rep. 207. By the stat. 31 G. II. c. 42. s. 3, it is made felony without benefit of clergy to cut down any river or sea bank, whereby lands may be overflowed; and by the stat. 10 G. II. c. 32, a penalty of 20l. is imposed on any person cutting up or removing any piles, chalk, &c. used in securing sea walls; and stat. 15 G. II. c. 33, imposes penalties on persons cutting or pulling up star or bent on the sand hills on the north-west coast of England. See *Admiralty*.

SEAMEN'S WAGES. Seamen in the merchant service are hired at a certain sum by the month, or for the voyage. The monthly wages are adjusted by the length of the voyage; but when hired for the voyage, the stipulated sum is fixed, however long the voyage may continue; and sometimes, as in the fisheries, and in privateers, the seamen serve for a stipulated share of the profits or prizes.

By 2 G. II. c. 36, made perpetual by 2 G. III. c. 31, no master of any vessel shall carry to sea any seamen, his own apprentices excepted, without first entering into an agreement with such seaman for his wages, such agreement to be made in writing, and to declare what wages such seaman is to receive during the whole of the voyage, or for such time as shall be therein agreed upon; and such agreement shall also express the voyage for which such seaman was shipped to perform the same. The provisions of this act are enforced by a penalty of 10l. for each mariner carried to sea without such agreement, to be forfeited by the master to the use of Greenwich Hospital. This agreement is to be signed by each mariner within three days after entering on board such ship, and is, when executed, binding on all the parties.

By 2 G. III. c. 31, the provisions of this act are extended to the American colonies.

By 31 G. III. c. 39, an agreement similar to the above is required with respect to seamen in the coasting trade, for vessels of 100 tons and upwards, trading from port to port within Great Britain, or going to open sea.

By 37 G. III. c. 73, a particular form of agreement is required for master and mariners employed in the West India trade, and this form is the same now used in all ships employed in foreign trade.

By the above statute, any seaman who shall desert

at any time during the voyage either out or home, from any British merchant ship trading to or from his majesty's colonies or plantations in the West Indies, shall, over and above all punishment, penalties, and forfeitures, to which he is now by law subject, forfeit all the wages he may have agreed for, or be entitled to during the voyage, from the master or owner of the ship on board of which he shall enter, immediately after such desertion.

The articles of agreement to be entered into between the master, seamen and mariners of the ships to which this statute relates, are thereby required to be to the purport and effect of the form annexed by way of schedule to the statute; and masters of ships, paying for the hire of seamen more than after the rate of double monthly wages (except the governor, chief magistrate, or collector of such colony, shall permit), shall forfeit 100*l*.

A seaman who has faithfully performed his service on board a ship during the whole period of the intended voyage, is entitled to receive the whole of the stipulated reward, if no disaster has rendered his service useless or unproductive to his employer; and, as a seaman is exposed to the hazard of losing the reward of his faithful service during a considerable period in certain cases, so, on the other hand, the law gives him the whole wages, even when he has been unable to render his service, if his inability has proceeded from any hurt received in the performance of his duty, or from natural sickness, happening to him in the course of his voyage; and if a master, in violation of his contract, discharges a seaman from the ship during the voyage, the seaman will be entitled to his full wages up to the prosperous determination of the voyage, deducting, if the case require it, such sum as he may in the mean time have earned in another vessel.

A seaman who is impressed from a ship into his majesty's service, is entitled to receive a proportion of his wages up to the time of impressing.

If a ship destined out and home perish at sea, the seamen are entitled to receive their wages for the time employed in the outward voyage, and the unloading of the cargo; and if a ship sails to several places, wages are payable to the time of delivery of the last cargo.

It has of late years been usual to stipulate by ex-

press terms in the articles of agreement, signed by the seamen employed in such ships, that in case the ship shall by the danger of the seas, or any other accident whatsoever, be disabled or lost during the voyage for which she is destined, so that she do not return to and arrive at the port of London, the seamen shall not receive or claim any further wages than the impress money paid to them in advance, notwithstanding the ship shall, at any time before her being so disabled or lost, have broke bulk, or delivered any goods at any port or place whatsoever.

If, after the hiring of seamen, the owners of a ship do not think proper to send her on the intended voyage, the seamen are to be paid for the time during which they may have been employed on board.

In the case of shipwreck, it is the duty of the seamen to exert themselves to the utmost to save as much as possible of the vessel and cargo; if the cargo is saved, and a proportion of the freight paid by the merchant in respect thereof, upon principles of equity the seamen are entitled to a proportion of their wages.

In the articles of agreement annexed to the statute, 37 G. III. c. 73, made for preventing the desertion of seamen from ships trading to the West Indies, and which are in common use for other voyages also, it is stipulated, that the seamen shall not demand or be entitled to any part of their wages until the arrival of the ship at the intended port of discharge and delivery of the cargo, nor in less than 20 days if they are not employed in such delivery.

Masters or owners of merchant ships or vessels, who shall pay or advance any wages to any seaman or mariner above the moiety of their wages, shall forfeit and pay double the money so paid or advanced, to be recovered in the king's court of admiralty, by any person who shall first discover and inform of the same.

As to ships engaged in foreign voyages, it is enacted, by stat. 2 G. II. c. 36. s. 7, that upon the arrival of any ship in Great Britain from parts beyond the seas, the master or commander shall be obliged to pay the seamen thereto belonging their wages, if demanded, in 30 days after the ship's entry at the custom-house, except in case where a covenant shall be entered into to the contrary, or at the time the seamen shall be discharged, which shall first happen, if demanded, deducting

deducting the penalties and forfeitures imposed by the act, under the penalty of paying each seaman and mariner that shall be unpaid, contrary to the intent and meaning of the said act, twenty shillings over and above the wages that shall be due to each person, to be recovered by the same means and methods as the wages may be recovered; and such payment of wages aforesaid shall be good and valid in law, notwithstanding any action, bill of sale, attachment, or incumbrance whatsoever.

And with respect to ships employed in the coasting trade, it is enacted by 31 G. III. c. 39. s. 5, that the master, commander, or other person having charge of the ship, shall be obliged to pay the seamen their wages, if demanded, within five days after the ship shall be entered at the custom-house, or the cargo be delivered, or at the time the seamen shall be discharged, which shall first happen, unless an agreement shall have been made to the contrary, in which case the wages shall be paid in the terms of such agreement, deducting in every case the penalties imposed by this act, under the like forfeiture of twenty shillings, to be recovered in the same manner as with regard to ships coming from abroad; and such payment shall be good in law, notwithstanding any action, bill of sale, or incumbrance whatsoever.

By a late decision in the commons, pronounced by Sir William Scott, it seems also that neglect of duty, disobedience of orders, habitual drunkenness, or any cause which will justify a master in discharging a seaman during the voyage, will also deprive the seaman of his wages. If the cargo be embezzled or injured by the fraud or negligence of the seamen, so that the merchant has a right to claim a satisfaction from the master and owner, they may, by the custom of merchants, deduct the value thereof from the wages of the seamen by whose misconduct the injury has happened; and the last provision introduced into the usual agreement, signed by the seamen, is calculated to enforce this rule in the case of embezzlement either of the cargo or the ship's stores.

*Recovery of wages.* For the recovery of wages seamen have a threefold remedy, viz. against the ship, the owner, and the master, and they may proceed either in the admiralty or the courts of common law;

in the former case all may join, and payment may be obtained out of the value of the ship. The contract remains in the custody of the master or owner, but they are bound to produce it when required, and it is conclusive evidence of the contract between the parties.

SEA WORTHINESS. See *Insurance, Marine*.

SEIZURES OF GOODS. See *Smuggling*.

SIERRA LEONE COMPANY. This colony is situated on the river Sierra Leone, on the coast of Africa. The climate is generally unhealthy to Europeans, particularly in the mountainous parts. The company have a few plantations of sugar cane and other West-India produce, but the natives in the neighbourhood of the colony, instead of being favourable to the company, appear to be hostile to their views in abolishing the slave trade. By stat. 31 G. III. c. 55, the Sierra Leone company was established for carrying on a trade between Great Britain and the coast and countries in Africa, for the purpose, if possible, of superseding in time the necessity of the African slave trade, by raising sugars there by native Africans, it being one of the provisions, that the company shall not deal in or employ slaves. The act is to continue for 31 years from July 1, 1791.

SERVANTS. See *Masters and Servants*.

SHEFFIELD, a large and populous town in the west riding of Yorkshire, which is chiefly supported by the manufacture of plated goods, knives, razors, files, scissors, &c. &c. Here are also lead works and a silk mill; two small rivers, which form a junction at the town, assist in the turning of machinery; and abundance of coal being at hand for the working of fire engines, all the heavy work has, in latter years, been performed by means of mechanism. In short, the people of this town have made one improvement upon another in their manufactures, inasmuch, that they are now able to undersell every other market in the world in the articles which they produce.

SHIPPING. The legislature of this country has, for the advancement of its own prosperity, conferred various privileges of trade upon its shipping, and all our navigation acts are a system for the encouragement of this valuable species of property, and restraining the enjoyment of it exclusively to British subjects; or, where foreign ships are suffered to participate in

these privileges, favouring those of its own subjects by a difference in the rates of duties.

It has been the characteristic policy of the British legislature to confine the privileges of trade, as far as is consistent with its extent, to ships built within his majesty's dominions; but it was reserved for the reign of his present majesty to behold the shipping of this country so immensely increased, as to confine these privileges exclusively to ships of the above description, or taken as prize.

This measure was carried into effect by the 26th of G. III. c. 60, reserving, nevertheless, to such foreign-built ships as were then the property of British subjects, those privileges to which they were entitled by the then existing acts.

This statute having nevertheless been found inadequate to embrace all the objects which were intended by those intelligent persons by whom it was framed, various other statutes were subsequently enacted, to carry into effect this important measure of public policy, in which new regulations were introduced for more effectually ascertaining the built and property of ships entitled to the privileges of the British navigation acts.

These acts, and the commercial privileges which they convey, will be found more fully detailed in other parts of this work, under the articles *Navigation, Fisheries, and Registry of Shipping*; in the latter will be found the precise regulations relative to the transfer of ships at sea: the present article will be confined to the consideration of the property of shipping, how the same may be acquired; the reciprocal duties of ship-owners towards each other, their duties and responsibility towards the merchant by whom they are employed, and the duties and responsibility of ship-masters, will be found under the articles *Ship Masters* and *Ship Owners*.

*Property in shipping how acquired.* The property in shipping may be acquired either by persons properly qualified, building a ship at their own expence, or purchasing it of persons competent to transfer it.

Upon the death of a person possessed of the share of a ship, his interest will devolve upon his personal representatives.

The property in shipping has from very early times been evidenced by written documents, which is

a characteristic distinction of this species of personal property; by this means the buyer is enabled so accurately to ascertain the title of the person offering to sell, that he can seldom, if ever, be deceived.

With respect to the mode of assigning and delivering possession of a ship, whether she be at home or abroad, the following observations must be attended to.

When a ship is here in the country of its owner, and a delivery of actual possession is possible, such delivery is necessary to give a perfect title to the buyer in case of sale of the whole ship; for if the buyer suffer the seller to remain in possession, and act as owner, and the seller in the mean time becomes bankrupt, the property will be considered as remaining in him to be disposed of for the benefit of his creditors: and sometimes also if an execution issues upon a judgment against the seller, the sale may be deemed void and fraudulent as against the party who has obtained the judgment; but in case of sale, or agreement for sale of a part only, it has been thought sufficient, if the vendor having delivered the whole of his title, ceased from the time to act as a part-owner, actual delivery of a part being said to be impossible. If a part-owner, however, has the actual possession of the ship, he may in such case deliver the possession; but if he have not the actual possession, the possession of the other part-owners may reasonably be the possession of the vendee after the sale.

If a ship be abroad, a perfect transfer of the property may be made by assignment of the grand bill of sale, and delivery of that and the other documents relating to the ship, as the delivery of the key of a warehouse to the buyer of goods contained therein is held to change the property of the goods, such delivery being the mode of enabling the buyer to take actual possession as soon as circumstances will admit.

Another mode of acquiring property in a ship is by capture from an enemy in time of war, legalized and sanctioned by a sentence of condemnation in some court of the capturing power constituted by the law of nations; in this case, however, if the capture is made by a ship belonging to his majesty, the prize is formally condemned to the king, and the value distributed among the captors; and if the capture is by a private ship, in which case the sentence is in form a  
condemnation



condemnation to the captors, a sale will always be the most convenient mode of ascertaining the value, both for the purpose of distribution among the captors, and payment of the duties to the king; and the acts of parliament which give to prizes the privileges of British ships, presume a sale thereof, and provide regulations accordingly.

Capture by pirates will not divest the property from the owners; but capture by an enemy in a war between two nations, wholly divests such property, and transfers it either to the captor or sovereign of his state.

It does not appear to be distinctly settled within what time such transfer shall absolutely take place; by some writers, and in some nations, this has been held to take place after a possession of 24 hours; by others, not until the capture has been conveyed to a place of safe custody.

By the opinion of the present judge of the court of admiralty, according to the general practice of the law of nations, a sentence of condemnation is, in his apprehension, at present deemed generally necessary; and that a neutral purchaser in Europe, during war, looks to the legal sentence of condemnation as one of the title-deeds of a ship, if he buys a prize vessel.

How far the mortgagee of a ship is to be deemed in law the owner, entitled to the benefits, and liable to the burthens to that character, before he takes possession of the ship, is a question of considerable import to commercial men, and upon which the courts have been at variance in opinion.

From the judgment pronounced by the late chief justice of the King's Bench, in the case of *Westerdale v. Dale*, 7 T. R. in K. B. 3 and 6, it appeared that his lordship considered the mortgagee of a term liable to rent reserved, and the mortgagee of a ship to be liable to the repairs.

**SHIPS BROKERS.** See *Brokers*.

**SHIPS HUSBANDS OR AGENTS**, are persons whose employment is to purchase the ship's stores for her voyage, to procure cargoes on freight, to settle the terms, and obtain policies of insurance, to receive the amount of the freight, to pay the master and mariners their wages, and all disbursements for the ship's use.

The general commission allowed to ships husbands on these accounts is per cent.

**SHIP OWNERS.** Ship owners, like other partners, are but as one individual; but in a country where, from the extent of its commerce, shipping is so valuable a species of property, and guarded by so many salutary restrictions, provisions have been made by the legislature that no individual, although possessed of an equal right to a share with his other partners, shall, through obstinacy or ignorance, prevent those advantages which his copartners and the country might derive from the beneficial employment of shipping.

Ship owners may be considered with respect to their reciprocal duties and obligations towards each other, and their responsibility with respect to their employers.

In case any owner should obstruct the interest of his copartners by opposing any voyage advantageous to the general concern, the admiralty will take a stipulation from those who desire to send the ship on a voyage, in a sum adequate to the value of the partners disapproving, either to restore the ship within a limited time, or pay the value of the shares. In this case the dissentient part-owners bear no proportion of the expences of the outfit, and are not entitled to a share of the profits, but the ship sails wholly at the charge and risk and for the profit of the others. This security may be taken upon a warrant obtained by the minority to arrest the ship, and it is incumbent on them to have recourse to such proceedings as the best means of protection; or if they forbear to do so, they should never omit to notify their dissent to the others, and if possible to the freighters of the ship, as an action cannot be supported by one part-owner against another to recover damages for fraudulently sending a ship to sea, where she was lost, *S. T. Rayn.* 15; but where one part-owner had forcibly taken a ship out of another's possession, secreted her, changed her name, and a third person had afterwards possessed her, who sent the ship to Antigua, where she was sunk and lost; the chief justice left it to the jury to say, under all the circumstances, whether this was not a destruction of the ship by means of the defendant, and they found it to be so, and the plaintiff recovered the value of his share; this direction was afterwards approved of by the court of Common Pleas. *Barnardiston v. Chapman* and another, 1 G. I. Sir *Peter King's* Cases.

If a ship is in the possession of the minority, and they refuse to employ her, the majority may by a similar warrant obtain possession, and send her to sea upon giving such security.

*Responsibility of Ship-Owners with respect to repairs.*

Respecting the repairing and other necessities for employing a ship in general, one part-owner may, by ordering these things on credit, make his companions responsible in law for the price. *Wright v. Hunter*, 1 *East's Rep.* 20. Yet if the creditor, on this occasion, does not know at the time of other part-owners, he may sue him alone who gives the orders. *Doe v. Chippenden*, before *Kenyon*, chief justice, at Westminster Sit. H. T. 1790. But no part of the charge of the premium of insurance of a ship made by one part-owner without the authority of another can be charged upon such part-owner, unless he afterwards gives his assent to such insurance. *Ogle and another v. Wrangham* and others, before *Kenyon*, chief justice, at Guildhall Sit. H. T. 1790; and *French v. Backhouse*, 5 *Burr.* 2727.

If after the commencement of a voyage undertaken by the mutual consent of the other owners, one of them become bankrupt, his interest will not be affected by such bankruptcy, although he has not paid his full share of the outfit. An account of the profits of a voyage, although settled by a majority of the part-owners, binds the minority, and Chancery will not entertain a suit by one of them to unravel the accounts. *Robinson v. Thomson*, 1 *Vernon* 465.

When a ship has been injured by the wrong or negligence of a stranger, all the part-owners should be included in one action for the recovery of damages, which are afterwards to be divided amongst them according to their respective interests.

Where a part-owner dies after an injury received, the right of action reverts to the survivors, who are responsible to the personal representatives of the deceased for the value of his share.

But where an action has been brought for freightage in a general ship, all the part-owners ought to join; if not, defendant may avail himself of the objection by evidence at trial.

But if an action is to be brought against part-owners upon any contract relating to the ship, although regularly such action should be brought against all

jointly, yet if all are not sued the defendants can only avail themselves of the objection by plea in abatement, and if such plea is omitted, the plaintiff will recover his whole demand, and the defendants must only call upon the others for contribution.

*Responsibility of Ship-Owners with respect to their employer.*

If before the commencement of a voyage war or hostilities should take place between the state to which the ship or cargo belongs and that to which they are destined, or commerce between them be wholly prohibited, the contract for conveyance is at an end, the merchant must unlade his goods, and the owners find another employer for their ship; but if war or hostilities break out between the place to which the ship or cargo belongs and any other nation to which they are not destined, although the performance of the contract is thereby rendered more hazardous, yet the contract is not in itself dissolved, and each of the parties must submit to the extraordinary peril, unless they mutually agree to abandon the adventure. So if the government of the country to which the ship and cargo belong should prohibit the exportation of the particular commodities which compose the cargo, or by the terms of the contract are destined to compose it, which is often the case by all states with regard to provisions in a time of scarcity; in this case also it seems that the law of the country would give no damages to the owners against the merchant, who had been thus compelled by the law of the same country to abandon his engagement: on the other hand, if a merchant hire a ship to go to a foreign port, and covenant to furnish a lading there, a prohibition by the government of that country to export the intended articles neither dissolves the contract, nor absolutely excuses a non-performance of it; for the laws of one nation do not give effect to the positive institutions of another inconsistent with its own. But in such a case it would be the duty of the master, upon his arrival at the port of lading, to obtain another cargo, if possible, from other persons, and not immediately hoist sail and depart, in order to charge the merchant with the whole freight. But although contracts of this nature are dissolved by the breaking out of war or hostilities in the manner beforementioned, of which no person can foresee the termination, yet they are not dissolved by an embargo

bargo or temporary restraint upon their performance.

With respect to the limitation of the responsibility of ship-owners, by stat. 26 G. II. c. 86. s. 3, it is enacted, that no person or persons who is, are, or shall be owner or owners of any ship or vessel, shall be subject or liable to answer for or make good to any one or more person or persons any loss or damage by reason of any embezzlement, secreting or making away with by the master or mariners, or any of them, of any gold, silver, diamonds, jewels, precious stones, or other goods or merchandize which shall be shipped, taken in, or put on board any ship or vessel, for any act, matter or thing, damage or forfeiture done, occasioned, or incurred by the said master or mariners, or any of them, without the privity and knowledge of such owner or owners, further than the value of the ship or vessel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein such embezzlement, secreting, or making away with as aforesaid, or other malversations of the masters or mariners shall be made, committed, or done, any law, usage, or custom to the contrary thereof in anywise notwithstanding. And by the second section of the same statute, if several freighters sustain losses, exceeding in the whole the value of the ship and freight, they are to receive compensation thereout in proportion to their respective losses; and any one freighter, on behalf of himself and the other freighters, or any part-owner, on behalf of himself and the other part-owners, may file a bill in a court of equity for the discovery of the total amount of the losses, and of the value of the ship, and for an equal distribution and payment. But by the third section, if such bill is filed by or on behalf of the part-owners, the plaintiff must make affidavit that he does not collude with the defendant, and must offer to pay the value of the ship and freight as the court shall direct.

*Duties of the merchant or shipper with respect to the owner.* The merchant must lade no prohibited or uncustomed goods by which the ship may be subjected to detention or forfeitures in general; even in the case of affreightment by charter-partner, the command of the ship is reserved to the owners, or the master appointed by them, and therefore the mer-

chant has not the power or opportunity of detaining the ship beyond the stipulated time, or employing it in any other than the stipulated service. But by the charter-parties under which ships are let to freight to the East India Company, the command and disposal of the ship are reserved to the company; and the master, although appointed by the owners, is bound to obey the orders of the company at home, and of their factor and servants abroad; and it is always stipulated, that nothing shall be paid by the company for freight or demurrage, unless the ship returns home in safety. Yet in a case where the company detained a ship so long in India that she became unfit for the voyage home, and was disposed of there, so that by reason of the particular stipulation the owners could sustain no action at law upon the contract, a court of equity ordered the company to make a proper allowance for the actual and probable earnings, and the value of the ship. The amount of the compensation, if the parties cannot agree, is in all cases to be ascertained by a jury, who will form their estimate upon consideration of all the circumstances of the case, and of the real injury sustained by the owners, which cannot be properly settled by positive rules.

**SHIPS PAPERS.** There are in British ships the bill of lading, the cargo, invoices, and in particular trades the pass or passport; in neutral ships these are as follow:

The *passport*, or permission from the neutral state to the captain of the ship to proceed on the voyage proposed, and it usually contains the name, description, and destination of the ship.

The *sea-letter*, or sea-brief, which specifies the nature and quantity of the cargo, the place from whence it comes, and its destination.

The *proofs of property*, which ought to shew that the ship really belongs to the subjects of a neutral state.

The *muster roll*, or *role d'équipage*, containing the names, ages, quality, place, and particularly the place of birth, of every person of the ship's company.

The *charter party*.

The *bill of lading*, the *invoices*, the *log-book*, and the *bill of health*, for which see the respective heads.

**SHIP MASTERS.** The master of a ship may subject the owners to all charges for repairs and provisions, but

but what is supplied must be strictly necessary, otherwise the master only will be personally responsible.

In the usual employment of the ship, and in all matters relating to the means of employing her, the master is considered as the avowed agent of the owner.

The duties and responsibility of the master may be considered with respect to the *commencement*, the *continuation*, and the *termination* of the voyage.

*Commencement of the voyage.* If the master receive part of his cargo at the quay, or send his boat for them, his responsibility commences with the receipt of the goods; and, as soon as they are put on board, he must provide a sufficient number of persons to protect them; for, even if the crew be overpowered by a superior force, and the goods stolen while the ship is in a port or river within the body of a county, the masters and owners will be answerable for the loss, although they have been guilty of neither fraud nor neglect.

It is in all cases the duty of the master to provide ropes, &c. proper for receiving the goods in the ship; and if a cask be accidentally staved in letting it down into the hold of the ship, the master must be responsible for the loss. The ship must also be furnished with proper dunnage, and care must be taken by the master so to arrange the different articles of which the cargo consists, that they may not be injured by each other, or by the motion or leakage of the ship; and more must not be taken on board than the ship can conveniently carry, leaving room for her own furniture and the provisions of the crew, and for the proper working of the vessel; neither may the master take on board any contraband goods, whereby the ship and other parts of the cargo be liable to forfeiture or detention. The master must also take on board no false or colourable papers that may subject the ship to capture or detention; and he must procure and keep on board all the papers and documents required for the manifestation and protection of the ship and cargo, by the law of the countries from and to which the ship is bound, and by the law of nations in general, and treaties between particular states.

Where by the terms of a charter-party a number of days is appointed for the lading of the cargo, either

generally, and without payment on that particular account by the merchant, or by way of demurrage, the master must not sail before the expiration of the time.

*Commencement of the voyage.* All things being prepared for the commencement of the voyage, the master must forthwith obtain the necessary clearances or permission to sail from the officers of the customs, or others appointed for the discharge of vessels, and pay the necessary port and other charges for that purpose, and commence his voyage without delay, as soon as the weather is favourable; but he must on no account sail out during tempestuous weather.

In case of warranty to sail with convoy, it is requisite not only that the vessel shall commence the voyage under the protection of the convoy, but also that she shall continue during its course under the same protection, unless prevented from so doing by tempest or other unavoidable accident, in which cases the master and owners will be excused, provided the master does all in his power to keep the benefit of the convoy; neither is it sufficient for the master to sail in company with the ships of war appointed as the convoy, but he must before the departure obtain, or at least use all due diligence to obtain, the sailing instructions and orders delivered out by the commander of the convoy to the masters of the trading vessels that are to sail under his protection, otherwise the policy will be void.

*Continuance of the voyage.* Having commenced his voyage, the master must proceed to his place of destination without delay, and without stopping at any intermediate port, or deviating from the straight and shortest course, unless such stopping or deviation be necessary for repairing the ship from the effects of accident or tempest, or to avoid enemies or pirates, by whom he has good reason to suspect he shall be attacked if he proceeds in the ordinary track, and whom he has good reason to hope he may escape by delay or deviation, or unless the ship sails to the places resorted to in any long voyage for a supply of water or provisions by common and established usage; and if the ship has the misfortune to meet with enemies or pirates, the master must make the best resistance which the comparative strength of his ship and crew will permit.



If by reason of the damage done to the ship, or through want of necessary materials, she cannot be repaired, or not without great loss of time, the master is at liberty to procure another ship to transport the cargo to the place of destination, in order thereby to gain the whole freight; and if the merchant has no agent at the place, it is the master's duty to do this, if possible, because he is bound to use every endeavour to preserve the cargo, and convey it to the destined port: so if the ship has been wrecked, and the cargo saved, or if the ship be in imminent danger of sinking, and another ship apparently of sufficient ability be passing by, the master may remove the cargo into such ship; and although his own ship happen to outlive the storm, and the other perish with the cargo, he will not be answerable for the loss. Moreover, the master must, during the voyage, take all possible care of the cargo, and will be responsible for goods stolen or embezzled on board the ship by the crew or other persons, or lost or injured in consequence of the ship sailing, by wilful neglect, in fair weather, against a rock or shallow known to expert mariners.

If a master is compelled in the course of his voyage to take refuge in a foreign port, and has occasion for money for the repairs of the ship or other expence necessary to enable him to prosecute and complete the voyage, and cannot otherwise obtain it, he may sell a part of his cargo for this purpose; but upon the arrival of the ship at the place of destination, the merchant will be entitled to receive the clear value for which the goods might have been sold at the place, if the ship afterwards perish without reaching the destined port.

*Duty of the master upon the termination of the voyage.* When the ship has arrived at the place of her destination, the master must take care that she be safely moored or anchored, and without delay deliver the cargo to the merchant or his consignor, upon production of the bills of lading, and payment of the freight and other charges of primage and petty average due in respect of it. And if by the terms of the charter-party a particular number of days is stipulated for the delivery either generally, or by way of demurrage, he must stay the appointed time for that purpose. The charges are in ordinary cases primage, &c. as

expressed in the bill of lading. The cargo is bound to the ship as well as the ship to the cargo, and therefore, unless there be a stipulation to the contrary, the master is not bound absolutely to part with the possession of any part of his cargo until payment of the freight and other damages.

If the master once parts with the possession out of the hands of himself and his agents, he loses his lien or hold upon the goods, and cannot afterwards reclaim them.

The manner of delivering the goods, and consequently the period at which the responsibility of the master and owners will cease, depend upon the custom of particular places, and the usage of particular trades. Thus a hoyman, who brings goods from a port out into the port of London, is not discharged by landing them at the usual wharf, but is bound to take care, and send them out by land to the place of consignment; and if the consignee require to have the goods delivered to himself, and direct the mariner not to land them on a wharf at London, the master must obey the request, for the wharfinger has no legal right to insist upon the goods being landed at his wharf, although the vessel be moored against it; but in the case of ships coming from a foreign country, delivery at a wharf in London discharges the master. If the consignee send a lighter to fetch the goods, the master of the ship is obliged, by the custom of the river Thames, to watch them till the lighter is fully laden, and until the regular time of its departure from the ship is arrived; and he cannot discharge himself from this obligation by declaring to the lighterman that he has not hands to guard the lighter, unless the consignee consent to release him from the performance of it. In the case of ships coming from Turkey, and obliged to perform quarantine before they enter into the port of London, it is usual for the consignee to send down persons at his own expence to pack and take care of the goods; and therefore where a consignee had omitted to do so, and goods were damaged by being sent loose to shore, it was held that he had no right to call upon the master of the ship for compensation.

SHIP'S STORES are certain articles liable to duties, but which are allowed for the use of the ship's company, and are permitted at the custom-house by a certain do-

ment called a bill of stores. Thus spirits for the use of seamen, not exceeding two gallons per man, tea, hides, &c. See *Customs, Excise, Exports, Imports, Smuggling*.

**SILESIA**, a considerable country of Germany, belonging to the king of Prussia. It contains about 1800 square leagues and about 1,600,000 inhabitants. It is a fertile country, producing all sorts of grain and fruits, such as are cultivated in the northern districts of Germany; but the linen manufacture, made from the flax that grows in the country, is its staple commodity. The material, the workmanship, and the manner of bleaching are all excellent. Great quantities of timber are also exported, horses, cattle, and wool.

There are considerable iron works in Silesia, and some mines of tin. The great king of Prussia, whose energy, abilities and understanding of the true interests of his country were all of the first class, left nothing undone to improve Silesia after it fell into his hands. The river Oder runs through the country, which consequently has a means of exporting its manufactures and other productions.

The importations consist principally of wines, brandies, and East and West India goods.

**SINKING FUND**, a name given to the sum annually assigned for payment and diminishing the capital of the national debt. Its progress is that of compound interest, and very rapidly increases as it goes on. The administration of Mr. Pitt has the honour of having established this fund for counteracting national ruin by the too great extent of the borrowing system. The following paper laid last year before parliament will elucidate this subject.

By the act 26 Geo. III. cap. 31, it is directed, that 1,000,000l. shall annually be issued to commissioners, by quarterly payments, for the purpose of reducing the national debt; which fund shall continue to accumulate, at compound interest, with the addition of such annuities as may expire, till it shall amount to the annual sum of 4,000,000l., beyond which it shall not increase; but the dividends of the stocks purchased afterwards shall be applicable to the public service. (This article of limitation applies to the debt that existed at the time, but not to the debt contracted since.)

By the 32 Geo. III. cap. 55, it is directed, that

until the fund created by virtue of the first-mentioned act shall amount to 3,000,000l. per annum, exclusive of the original annual sum of 1,000,000l., all savings which may arise from any reduction of the interest of any stock shall be carried to the account of the commissioners.

By the same act of the 32 Geo. III. it is also directed, "that whenever any sum shall be borrowed for the public service, on perpetual redeemable annuities, and provision shall not have been made by parliament for paying off, within 45 years, the whole of the capital stock to be created by such loan, from thenceforth, at the end of every quarter subsequent to the day on which the act or acts of parliament by which such loan shall be created shall have received the royal assent, an additional sum shall be set apart out of monies composing the consolidated fund, and shall be issued at the receipt of the exchequer to the governor and company of the bank of England, to be by them placed to the account of the commissioners for the reduction of the national debt, the total annual amount of which additional sum shall be equal to  $\frac{1}{100}$  part of the capital stock created by such loans. It is also directed, that a separate account shall be kept of the amount of the sums issued by virtue of this act, and of the dividends of the stock purchased thereby."

The amount of debt existing in 1786 was 238,231,248l., exclusive of 704,740l. long annuity; which, on the 1st of February 1802, was reduced by purchases made by the commissioners (amounting to 39,885,308l., and by 18,001,148l. transferred to them on account of land tax redeemed) to 180,344,791l.

The fund applicable to the redemption of this capital (including 200,000l. annually granted) was, on the 1st February 1802, 2,534,186l.

The application of this fund in the manner directed by the act may be estimated to redeem the remaining capital of 180,344,791l. at the following periods, supposing the prices of 3-per-cent. stock to be 100l., 92 $\frac{1}{2}$ l., 85 $\frac{1}{2}$ l., 80l., and 75l. per cent. respectively.

3-per-Cts. at par.	1-per-Cts. at 92 $\frac{1}{2}$	3-per-Cts. at 85 $\frac{1}{2}$	3-per-Cts. at 80.	3-per-Cts. at 75.
Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.
In 44 4	41 0	38 5	35 10 $\frac{1}{2}$	32 10 $\frac{3}{4}$

The amount of debt contracted between 1792 and 1802, was 241,981,355l., exclusive of 310,670l. long annuity, and exclusive of 56,445,000l. charged on the income tax; of which the sum of 19,703,596l. was, on the 1st of February 1802, redeemed by the fund created by virtue of the act of 32 Geo. III.; and the sinking fund, so created, amounted, on the 1st of February 1802, to 3,053,210l.

The loans contracted in that period will, at the following prices of 3-per-cent. stock, and supposing the 4 and 5-per-cents. to be purchased at par, be redeemed as follows; viz.

## 4-and-5-per-Cents. at Par.

LOANS.	3-per-Cts. at 100.	3-per-Cts. at 92 $\frac{1}{2}$	3-per-Cts. at 85 $\frac{1}{2}$	3-per-Cts. at 80.	3-per-Cts. at 75.
DATES:	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.
1793	32 3 $\frac{1}{2}$	29 9 $\frac{1}{2}$	27 8	25 10	24 2 $\frac{1}{2}$
1794	30 6	28 11 $\frac{1}{2}$	27 8 $\frac{1}{2}$	26 6 $\frac{1}{2}$	25 7 $\frac{1}{2}$
1795	32 5 $\frac{1}{2}$	31 0 $\frac{1}{2}$	29 5 $\frac{1}{2}$	28 2 $\frac{1}{2}$	27 2
1796	34 10 $\frac{1}{2}$	32 6 $\frac{1}{2}$	30 6 $\frac{1}{2}$	28 9 $\frac{1}{2}$	27 3
1797	34 8 $\frac{1}{2}$	33 2	32 7	30 8 $\frac{1}{2}$	29 8 $\frac{1}{2}$
1798	40 9	37 7 $\frac{1}{2}$	34 11 $\frac{1}{2}$	32 7 $\frac{1}{2}$	30 7
1799	42 2 $\frac{1}{2}$	39 0	36 2 $\frac{1}{2}$	33 9 $\frac{1}{2}$	31 8 $\frac{1}{2}$
1800	43 11 $\frac{1}{2}$	40 7 $\frac{1}{2}$	37 8 $\frac{1}{2}$	35 2 $\frac{1}{2}$	33 0 $\frac{1}{2}$
1801	45 7 $\frac{1}{2}$	42 1 $\frac{1}{2}$	39 1 $\frac{1}{2}$	36 6 $\frac{1}{2}$	34 3

To the foregoing sums are to be added the sum of 56,445,000l., charged upon the income tax, and

And the same consolidated sinking fund would redeem as follows; viz.

	3-per-Cents. at par.	3-per-Cents. at 72 $\frac{1}{2}$	3-per-Cents. at 85 $\frac{1}{2}$	3-per-Cents. at 80.	3-per-Cents. at 75.
In 45 years, the period allowed by the act of 1792	528,395,000	612,737,000	707,220,000	812,395,000	935,096,000
Amount of consolidated debt	488,987,656	488,987,656	488,987,656	488,987,656	488,987,656
Exceeding the amount of the consolidated debt, by	39,407,344	123,749,344	218,232,344	323,407,344	441,108,344

29,920,108l., being the capital created by the loan contracted in 1802, amounting together to 86,365,108l. which sum would, by the application of a sinking fund of 11. per cent. as directed by the act of 32 G. III. be redeemed at the following periods, at the above-mentioned prices of stock; viz.

3-per-Cts. at 100.	3-per-Cts. at 92 $\frac{1}{2}$	3-per-Cts. at 85 $\frac{1}{2}$	3-per-Cts. at 80.	3-per-Cts. at 75.
Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.
In 46 4 $\frac{1}{2}$	42 10	39 9 $\frac{1}{2}$	37 1 $\frac{1}{2}$	34 9 $\frac{1}{2}$

Supposing the several sinking funds created by virtue of the above-mentioned acts, and amounting on the 1st February 1802 to 5,587,396l., to be consolidated, without any addition from annuities which may cease, or from savings arising from the reduction of interest, and applied at compound interest to the redemption of the unredeemed debt, amounting to 402,622,550l., with the addition of the loan of 1802, and of the debt charged on the income tax, amounting in the whole to 488,987,656l., exclusive of 1,015,410l. long annuity, the periods of redemption would be as follows:

## 4-and-5-per-Cents. at Par.

3-per-Cts. at par. or 100.	3-per-Cts. at 92 $\frac{1}{2}$	3-per-Cts. at 85 $\frac{1}{2}$	3-per-Cts. at 80.	3-per-Cts. at 75.
Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.
In 41 10 $\frac{1}{2}$	39 3 $\frac{1}{2}$	37 1 $\frac{1}{2}$	35 3	33 7

And the same consolidated sinking fund would redeem as follows ; viz.

	3-per-Cents. at par.	3-per-Cents. at 92 $\frac{1}{2}$ .	3-per-Cents. at 85 $\frac{1}{2}$ .	3-per-Cents. at 80.	3-per-Cents. at 75.
In 46 years - - - -	550,059,000	639,020,000	738,720,000	850,370,000	975,430,000
Amount of consolidated debt -	488,987,656	488,987,656	488,987,656	488,987,656	488,987,656
Exceeding the amount of the consolidated debt, by - }	61,071,344	150,032,344	249,732,344	361,382,344	486,442,344

At 5 per cent. a capital is paid off by compound interest in 14 years and four months nearly ; so that a million annually applied pays off 20 millions if stocks produce 5 per cent. in the first 14 years and four months ; there will then be two millions the second period, which will pay 40 ; four the third period, which will pay 80 ; and eight millions the fourth period, which will pay 160 ; and so on till all is paid.

	Years.	Months.	Redeemed.	Total.
1st period	14	4	20,000,000	20,000,000
2d	28	8	40,000,000	60,000,000
3d	43	0	80,000,000	140,000,000
4th	57	0	160,000,000	300,000,000

As stocks rise and fall, the redemption of the capital must go on slower or faster ; but this calculation is near enough to give a general understanding of the subject.

The effect which will be produced on the monied capital of individuals, when the sinking fund has proceeded a few years more, supposing that there are no fresh loans, must be new and extraordinary ; for how can such a capital be employed ? Commerce and manufactures cannot employ much more than is already invested in them. Agriculture, if the waste lands are cultivated, may absorb a great deal ; but there is no other means by which any great sum, such as 180 or 200 millions, can be employed. There is every reason for believing that it will not be prudent to pay off all the debt, even if it could be done ; but to follow out the curious inquiries, into which this subject would lead, would exceed the bounds of the plan laid down for the present work.

The net produce of all the permanent taxes, in the year ending the 10th of October 1801, amounted to 22,986,309l. 14s. 11 $\frac{1}{2}$ d. and in the last year, to 25,199,038l. 14s. 0 $\frac{1}{2}$ d.

**SLAVE TRADE.** This branch of commerce has recently been submitted to much discussion. It must be admitted that as a certain and productive source of national revenue, as giving encouragement to manufactures, by creating a large consumption ; the slave-trade is of too much importance to be abruptly abolished for the uncertain theories of that mistaken zeal, and possibly mistaken philanthropy of which the French island of St. Domingo affords at this crisis a terrible example. The British legislature has wisely steered a middle course, and has enacted the following humane provisions for ameliorating the condition of this portion of the human race.

By stat. 39 Geo. III. c. 80. s. 1, no ship or vessel shall clear out from any port of this kingdom, to transport slaves from the coast of Africa, unless entered for such purpose at the custom-house of the port of clearance.

In every ship or vessel the whole space between decks shall be allotted and properly prepared for the reception of such slaves ; and after any such ship shall have taken two third parts of her complement of slaves on board, in the proportion herein-after to be limited, no goods, wares, merchandizes, or stores, shall ever be stowed or put in any such place in which any such slaves shall be. S. 2.

In every such vessel, the said space between decks so allotted for the reception of slaves shall be, in every part throughout the whole length and breadth thereof, of the full and complete perpendicular height of five



five feet, measuring from the upper surface of the lower deck to the under surface of the upper deck. S. 3.

In ships or vessels having only one deck, a false deck shall be fixed in the hole for the reception of the slaves; which shall be considered as her lower deck for the purposes of this act. S. 4.

No ship to clear out for shipping and carrying slaves from Africa, until the proper officer of the customs at the port shall have examined and measured such ship, and certified in writing to the collector of the customs at such port, the height between decks, and also the extreme length and breadth, in feet and inches, of the lower deck of the said vessel; which length and breadth being multiplied together, the product shall be deemed to be the true superficial contents of the said deck; and the contents so obtained, divided by eight, the quotient in whole numbers shall express the greatest number of slaves which the said vessel shall be permitted to have on board at any one time (for which certificate he shall be entitled to demand and receive the sum of ten shillings from the master or owner of the said vessel); and the said certificate so verified, shall be annexed to the clearance of the said vessel, and shall be produced therewith to the collector or comptroller, or other proper officer of the customs, at every port in the West Indies or America, belonging to his majesty, at which the said vessel shall arrive, before any slave or slaves shall be permitted to be landed out of the said vessel at any such port. S. 5.

Every such ship, previous to her being cleared out, shall have painted in white or yellow letters, of a length not less than four inches, upon a black ground, on some conspicuous part of her stern, the words 'Allowed to carry Slaves,' the number of slaves expressed in the licence annexed to the clearance of the said vessel being added thereunto, in figures of the same length and colour. S. 6.

No slaves to be on board in any greater number than in the proportion of *one for every eight square feet* of the superficial contents of the lower deck of such ship or vessel, ascertained as herein-before directed, under penalty of thirty pounds for every such slave exceeding in number the proportions herein-before limited. Nor any greater number of slaves than in the proportion of *ten to each of the mari-*

*ners* or other free persons composing the crew, who shall, at the time of clearing outwards for the voyage, belong to the said vessel, and be actually serving on board thereof; and all such seamen shall so remain until the arrival of the said vessel at her first port of delivery in the West Indies (death and unavoidable accidents only excepted). S. 7 and 8.

If more than two fifth parts of the slaves shall be children, and who shall not exceed four feet four inches in height, then every five such children over and above the aforesaid proportion of two-fifths, shall be deemed to be equal to four of the said slaves, within the true intent and meaning of this act. S. 9.

The number of slaves taken on board, in consequence of the regulations and allowances of this act, shall in no case exceed 400, except in cases of shipwreck, mutiny or insurrection, failure of hands, distress of the vessel, the proof of which shall lie upon the master. S. 10 and 11.

No master or owner to remove any floor or false deck fixed in the hold for the reception of slaves, except for loading or unloading his said vessel on the outward-bound voyage, or other unavoidable necessity; or to do any other matter whereby the height of the places or apartments allotted for the reception of slaves shall be diminished, until all the slaves which shall have been taken on board such ship shall have been discharged or landed therefrom, under the penalty of two hundred pounds for every such offence. S. 12.

Masters of ships arriving in the West Indies, before any of the said slaves shall be unshipped or landed, shall repair to the nearest custom-house, and there give in a written declaration to the collector or other chief officer of the customs, of the greatest number of slaves permitted to be carried, and shew to such officer the certificate annexed to the clearance thereof; and shall also give in a written declaration, containing an exact and true account of the greatest number of such slaves (distinguishing the number of males and females, and specifying the number of such slaves as shall exceed the aforesaid height of four feet four inches), who are or shall have been at any one time in or on board such ship, before, when, or after such ship or vessel quitted or departed from the coast of Africa for that voyage. Masters landing slaves contrary hereto, to forfeit

3061. and officers of the customs are to take an account of the slaves on board such vessels, under a similar penalty. S. 13.

Where there is no officer of the customs, any civil officer may receive the declaration of the master. S. 14.

Any person making declaration under this act, who shall be guilty of wilful falsehood, shall be deemed guilty of a misdemeanor, and shall be punished by such fine as the court, before whom such offender shall have been tried and convicted, shall think fit to order or adjudge, and also by imprisonment for any time not exceeding twelve nor less than three calendar months from the time of such sentence.

No vessel to take on board slaves, unless the surgeon of such ship or vessel shall have given bond to his majesty, and left the same in the hands of the collector or comptroller of the customs in the port from whence such ship or vessel shall depart for such voyage to the coast of Africa, in the penal sum of 100l. with condition that each surgeon shall keep a regular and true journal, containing an account of the greatest number of slaves which shall have been at any time during such voyage on board such ship or vessel, from the time of the arrival of such ship or vessel on the coast of Africa as aforesaid, until her arrival at the port of her delivery, distinguishing the number of males and females, and of the deaths of any such slaves or crew of the said ship or vessel, and of the cause thereof, during the voyage, from the first departure of the said ship or vessel to her arrival on the coast of Africa, during her stay on the said coast, and after her departure from thence to the said port of delivery, or during such time as such surgeon shall have been on board such ship or vessel; and the said surgeon shall deliver such journal to the collector or other officer as aforesaid, at the first British port where such ship or vessel shall arrive after leaving the coast of Africa, and shall deliver in a written declaration of the truth of such journal, to the best of his knowledge and belief, to such collector or other officer, who is to deliver to the master a copy of his declaration, and to the surgeon a copy of his journal, and transmit duplicates to the commissioners of the customs. Masters or surgeons acting contrary hereto, to forfeit 100l. S. 16.

If penalty on masters be not paid within 14 days, their vessel may be seized and sold. S. 17.

As soon as any ship or vessel shall arrive in any of the West India islands, and due notice of such arrival shall have been given at the custom-house thereof, the owner or owners of the said ship, or the factor or agent to whom such ship and cargo are consigned, shall give bond in the penal sum of 5000l. to the collector or other officer of the customs, for the full and just payment of such penalty or penalties as may be awarded against such captain or other officer by the verdict of a jury. S. 18.

No ship shall be permitted to enter or clear inward until such bond shall be first given; and any officer of the customs may detain such ship, with all her cargo on board, until such bond shall be entered into as before required. S. 19.

No suit against the captain or other officer shall be prosecuted in any island, unless the same shall be commenced within one month after due notice given of the ship's arrival, to the collector or other officer of the customs in the said island. S. 20.

No vessel to be cleared out a second time, till an attested copy of the declaration of the master, and journal of the surgeon, &c. of the preceding voyage, shall be deposited with the collector at the port of clearance. S. 21.

No person to become a master for purchasing and carrying slaves from the coast of Africa, unless he shall have made oath, and delivered in to the collector or other chief officer of the customs, at the port where such ship or vessel shall clear out, a certificate, attested by the respective owner or owners of the ships or vessels in which he has formerly served, that he has already served in such capacity during one voyage, or shall have served as chief mate or surgeon during the whole of two voyages, or either as chief or other mate during three voyages, in purchasing and carrying slaves from the coast of Africa, under penalty of 500l. S. 23.

Nothing in any former act contained, shall extend to make void any insurance already made, or which hereafter shall be made upon ships, slaves, goods, and merchandize, in the same general terms with the policies now commonly made use of in all other insurances on ships and goods. S. 24.

No loss or damage under policies of assurance shall hereafter

hereafter be recoverable on account of the mortality of slaves by natural death or ill treatment, or against loss by throwing overboard of slaves on any account whatsoever, or against loss or damage by restraints and detainments by kings, princes, people, or inhabitants of Africa, where it shall be made appear that such loss or damage has been occasioned through any aggression for the purpose of procuring slaves, and committed by the master of any such ship, or by any person or persons commanding any boat or boats, or party or parties of men belonging to any such ship, or by any person or persons acting by the direction of any such master or commander respectively. S. 25.

No ship or vessel shall be allowed to clear out, unless it shall appear to the collector, or other principal officer of the customs at the port, that there is one surgeon at least engaged to proceed on board such ship or vessel, and unless such surgeon shall have produced and delivered to such collector, or other principal officer of the customs, a certificate or warrant of his having passed his examination at surgeons' hall, or at some public or county hospital, or at the royal college of physicians, or royal college of surgeons at Edinburgh, or shall have served as a surgeon or surgeon's mate in his majesty's fleet or army, of which certificate or warrant the said collector, or other principal officer, shall give to the said surgeon an attested copy gratis. S. 26.

Before any ship or vessel shall proceed to sea, the master, officers, and mariners shall sign and execute articles of agreement and a muster-roll, in the presence of, and witnessed by the clearing officer, and one of the tidesmen of the port from whence the ship departs; and a duplicate of the articles of agreement and muster-roll, duly signed and executed, shall be delivered to the aforesaid clearing officer, in order to its being lodged with the proper officer in the custom-house, according to forms annexed to this act; which agreement shall be conclusive to all parties for the time contracted for, and no other form whatsoever of articles of agreement or muster-roll shall be used, under the penalty of 50*l.*, one-half to be paid to the use of Greenwich Hospital, and the other half to the informer. S. 27.

The muster-roll shall be regularly and duly kept during the voyage; also a log-book, wherein all penalties, forfeitures, and charges against any officer or

seaman shall be regularly entered, and signed by the master, chief mate, and surgeon; which said log-book, and the said muster-roll, shall, on the arrival of the ship or vessel at her discharging port in Great Britain, be delivered in to the collector or other chief officer of the customs, together with the written declaration of the truth thereof; which declaration the collector or other chief officer as aforesaid is hereby required to accept and preserve; and if any master, chief mate, or surgeon shall be convicted of signing a false muster-roll, articles of agreement, or log-book, he or they shall forfeit and pay the sum of 100*l.*, and shall also suffer six months imprisonment. S. 28.

No officer, mariner, or seaman shall be turned over or discharged, upon any pretence whatsoever, unless into his majesty's ships of war, or to assist a ship in actual distress, which is to be certified by the principal officers of both ships concerned, and an agreement made in writing with the said officers or men so lent, or upon preferment, or under ill state of health, with the account of the party, for which a certificate shall be given from the captain of any his majesty's ships or vessels, if any are present, or in their absence two justices of the peace, or the collector or comptroller of the customs at the place or port where such ship or vessel shall be, or shall first arrive; which certificate shall be returned with the muster-roll and log-book, on the arrival of the ship at her delivering port in Great Britain. S. 29.

No master, commander, or other person, shall supply the officers or mariners, seamen or seafaring men, with more slops, tobacco, spirits, or any other article whatsoever, than to the amount of one-fourth part of the monthly wages of such officer, mariner, or seafaring man. S. 30.

If any officer, mariner, or seaman shall behave in a riotous, seditious, or mutinous manner, it shall be lawful for the commander or commanding officer to put such officer, mariner, or seaman into confinement, for a time not exceeding 24 hours before the same is reported to the captain or commander of any of his majesty's ships, who is authorized to inquire into the cause of such complaint, and to grant remedy therein as the circumstances of the case may require; and in case none of his majesty's ships are present, the cause of complaint shall be fully examined into by the master and two officers, in the presence of the ship's company;



company; and if it shall be judged necessary for the safety of the ship and cargo to continue the offenders in confinement, such determination shall be drawn up in writing, with the reasons of coming to such resolution stated at large, and signed by the master and two officers, who are to report without delay to the commander of the first ship belonging to his majesty they may fall in with, and in default thereof to report the same to the governor or chief officer of any British fort on the coast of Africa, or any of the West India Islands, that such measures may be taken to bring the offenders to justice, as the nature of the case will admit. S. 31.

Masters taking the command of every such ship shall cause a printed abstract of this act, and also a copy of the schedule and of the muster-roll respectively annexed to this act, to be delivered to each of the officers of the said ship, and also a copy of each be affixed to the most public place of such ship, so that at all times they may be accessible to the officers and seamen on board of such ship, upon pain that every such master or other person having or taking the charge or command of every such ship, who shall neglect to affix and renew the same, shall, for every such offence, forfeit the sum of 20*l*. S. 32.

If any officer or mariner, charged with mutiny or sedition, shall be delivered over or taken in custody by the order of the governor or chief officer of any fort on the coast of Africa, or the governor of any of the islands in the British West Indies, a full statement upon oath, which they are hereby empowered to administer, shall be made out and lodged with the said governor, together with the names of the witnesses who are to support the charge alleged against the prisoners, in order to their being sent home for trial, at the next admiralty sessions, for the offence or offences alleged against him or them; and in case the said witness or witnesses shall neglect to appear at the trial upon being duly summoned, he or they shall incur such penalty as the court shall adjudge. S. 33.

Upon the arrival of every ship or vessel at her discharging port in Great Britain, the officers and seamen therein shall be continued in full pay and provisions until the ship is cleared outwards, or their accounts are settled and paid; and all wages due to run-men shall be forfeited, and paid one-half to the use of Greenwich Hospital, and the other half to

the merchants of the capital of the port to which such ship belongs; and all other forfeitures shall be applied as specified in the articles of agreement. S. 34.

No ship or vessel shall be permitted to be entered or cleared outwards, for the purpose of shipping and carrying slaves from the coast of Africa, from any part of his majesty's dominions, except the ports of London, Liverpool, and Bristol. S. 35.

Where an African slave ship was so retarded by bad weather, that, from the length of the voyage, the provisions were exhausted, and many of the slaves died for want of food, such slaves shall be considered as having died a natural death, within the meaning of the 30 G. III. c. 33. s. 8, and 34 G. III. c. 80. s. 10. *Tathan v. Hodson*, C. T. R. 656.

If in a policy on slaves there is an insurance against mortality by mutiny, and in such mutiny some are killed, others die by any other means, the insurers are liable for those only who are actually killed or mortally wounded in the mutiny. *Jones v. Smoll*, at N. P. Trin. vacation, 1785, 1 T. R. 130.

It is necessary in this trade that the certificate of the captain's having served as the act, 39 G. III. c. 80. s. 23, requires, should be attested by the owner of the ship or ships to which such service was performed, otherwise, on a policy of insurance, the insured cannot recover for a loss occasioned by an insurrection of the slaves. *Farmer v. Legg*, 7 T. R. 186.

**SMALL NOTES.** By stat. 15 G. III. c. 51, made perpetual by 27 G. III. c. 16, all promissory notes, bills, drafts, or undertakings in writing, for a less sum than 20*s*. in the whole, are declared void, and of no effect.

By 17 G. III. c. 30, all promissory notes, bills of exchange, drafts, or undertakings in writing, negotiable or transferable for the payment of 20*s*., or any sum of money above that sum, and less than 5*l*., shall specify the names and places of abode of the payee, shall bear date before or at the time of drawing or issuing thereof, and shall be made payable within 21 days after the date thereof; and every indorsement of such note shall be made before the expiration of that time, and bear date at or before the time of the making thereof, and shall specify the name and place of abode of the person to whom, or to whose order such note, &c. shall be payable; and the signing of such note, and every indorsement thereof, shall be attested by one subscribing witness.



All notes contrary to this act shall be void, except by 37 G. III. c. 23, continued by subsequent acts, notes of the governor and company of the Bank of England. See *Bank Notes*.

**SMYRNA**, a large commercial city of Asiatic Turkey, situated at the bottom of a great gulph of the Archipelago, 73 leagues south-west from Constantinople, long. east 54 deg. 49 min. latitude north 38 deg. 28 min.

The conveniency and excellence of the port of Smyrna bring hither a great concourse of merchants from different quarters. It has been several times nearly destroyed by earthquakes, but the goodness of its harbour has always caused it to be rebuilt. Caravans by land from Persia are continually arriving with silk, drugs, fine cloths, &c. from All Saints to the middle of the month of May; and there are generally some hundreds of sail of European vessels in the harbour. The greatest part of the Levant trade is carried on with this single city; for the nature of which, see *Levant*.

**SMUGGLING**. By stat. 5 G. I. c. 11. s. 1, rum imported in casks under 20 gallons shall be forfeited.

Foreign goods taken in at sea, in order to be landed, or put into another ship or vessel, without payment of the customs and duties, shall be forfeited, and the master shall forfeit treble the value, unless the goods have been taken on board in case of necessity. S. 3.

All goods not reported, and found on board after clearing the ship by the proper officers of the customs, shall be forfeited. S. 4.

If the master or other person taking charge of a ship or vessel, shall suffer any brandy or other prohibited goods to be put out of his ship into any vessel, hoy, or lighter, or shall receive on board any wool, wool-flock, fuller's earth, or tobacco-pipe clay, for exportation, he shall, besides the existing penalties, suffer six months imprisonment without bail or main-prize. S. 32.

Persons assembled to the number of eight or more, hindering forcibly, or wounding officers of the customs in the execution of their duty, to be transported for seven years. S. 34.

Any offender, or other person discovering offenders, within two months after the offence, so as two

of them may be convicted, shall have 40l. for each, and be discharged of his offence. S. 36, 37, 38.

Boats made or built to row with more than four oars, and found upon the water, or in any barge-house, work-house, &c. within any of the counties of Middlesex, Surry, Kent, or Essex, or in the river Thames, or within the limits of the ports of London, Sandwich, or Ipswich, such boat, &c. shall be forfeited, and the owner, or any person using or rowing the same, shall forfeit 40l.; and such boat, after condemnation, to be burnt, and wholly destroyed. S. 3.

This act not construed to extend to barges of the royal family, ship-boats, and boats licensed by the admiralty. S. 4.

On information that three or more persons are assembled with offensive weapons, to run goods, &c. to the hindrance of the officers of the customs and excise in their duty, a justice may grant his warrant to any constable for apprehending the offenders; and if on examination he sees cause, may commit them to the county gaol; on conviction they shall be transported for seven years as felons; and any such offender returning, before the expiration of the said term, to Great Britain or Ireland, shall suffer death. S. 10.

Offenders discovering two accomplices before conviction, to the commissioners of the customs or excise, so as to be convicted, to be discharged, and entitled to a reward of 50l.

Two or more persons, found passing within five miles of the sea, with one or more horses and carts, having more than six pounds of tea, five gallons of spirits, or any other foreign goods to the value of 30l. not having paid duty, and without a permit, or bearing offensive arms, or being masked, or forcibly obstructing any officers of the customs or excise, are deemed runners of foreign goods within 2 G. I. c. 18, and to be transported for seven years; the proof of entry and payment of duties to lie on the persons found with the goods. S. 13.

Goods found so carrying, together with the weapons, furniture, horses, and carriages, are forfeited. S. 14.

By stat. 9 G. II. c. 35, persons lurking within five miles of the sea, or a navigable river, with intent to assist in running goods, and not giving account of themselves to a justice, to be sent to the house of correction, whipped, and kept to hard labour, not

exceeding a month, and the informer to have 20s. for each offender from the commissioners of the customs and excise respectively. S. 18.

Any person offering tea, brandy, &c. to sale, without a permit, or any hawker, &c. offering to sale tea, brandy, &c. with or without a permit, the person to whom offered may seize and carry it to the next warehouse for customs or excise, and bring the seller to a justice to be committed. The seizer may also prosecute, and shall be entitled to a third of the produce. S. 20.

Persons convicted before a justice of carrying or having the custody of prohibited or run goods, to forfeit treble value. S. 21.

Persons forcibly obstructing or beating officers of the customs or excise on ship-board, when in the execution of their duty, are to be transported for seven years. S. 28.

The penalty of 100l. shall be incurred, with incapacity to have a licence, by alchouse-keepers knowingly harbouring persons against whom process has issued for offences to the prejudice of the revenue, and the sheriff has returned that they cannot be found, or harbouring persons who have been in prison for such offences and escaped, or have been convicted and fled, provided six days notice has been given that the person so harboured has absconded, in two successive Gazettes, and by a writing on the church-door where he last dwelt. S. 30, 31.

If any person, passing with prohibited or uncus-tomed goods, and armed with offensive weapons, resist any officers of customs or excise, such officers may oppose force to force, and if they wound or kill, they may plead the general issue, and are admissible to be bailed by any justice. S. 35.

By 19 G. II. c. 34, three persons or more assembled with fire arms or other offensive weapons, to assist in exporting, or carrying for exportation, wool, or goods prohibited to be exported, or in running prohibited or uncus-tomed goods, or goods liable to any duties not then paid, or in relanding goods shipped upon debenture, or in rescuing them after seizure, or in rescuing persons apprehended for any felony by the laws of customs or excise, or in preventing the apprehending of such persons, or being so assisting to the number of three, or being disguised when passing with such goods, or forcibly re-

sisting officers of the customs or excise, or other revenue, in seizing such goods, or dangerously wounding an officer in going on board, or when on board a ship, in the execution of his office, are guilty of felony without clergy. S. 1.

Persons harbouring such offender after the time appointed for surrender, are to be transported for seven years. S. 3.

500l. reward is to be paid for apprehending such an offender, who has not surrendered, by the commissioners of the customs or excise. Any offender not ordered to surrender, discovering others who are ordered to surrender, discharged, and to have a share of the reward. Persons wounded in apprehending offenders to be paid 50l. extraordinary; and the executors of a person killed 100l. S. 10.

By stat. 24 G. III. c. 47, the following ships, vessels, &c. are liable to forfeiture: cutters, luggers, shallops, or wherries (of what built soever), and all vessels of any other description, whose bottoms are clench work (unless square-rigged, or fitted as sloops with standing bowsprits), and all vessels the length whereof is greater than in the proportion of three feet and an half to one foot in breadth, and likewise all vessels armed for resistance. Not to prevent any vessel from having on board two carriage guns of the calibre not exceeding four pounds, and two muskets for every ten men. S. 4.

Persons opposing officers of the navy, customs, or excise, in the execution of their duty, upon conviction before a justice, to be sentenced to hard labour on the river Thames, or to the house of correction, for a term not exceeding three years. S. 15.

Suspected vessels not bringing to, when chased by any cutter or other vessel in the service of his majesty's navy, having the proper pendant and ensign of his majesty's ships hoisted, or being in the service of the customs or excise, and having their pendant or ensign hoisted, with such marks thereon as are usual, in a blue field, the commander may shoot into them; and if he be prosecuted in consequence thereof, he and his aids shall be admitted to bail. S. 23.

Wine imported in any vessel or boat, not exceeding 60 tons burthen, shall, together with the vessel and its furniture, be forfeited. S. 27.

By stat. 27 G. III. c. 32, condemned vessels, that are fit for his majesty's service, may, instead of being

ing broken up, be sold to the officers appointed by the lords of the admiralty, or commissioners of the navy, for that purpose; one-half of the produce of such sale to be paid into the exchequer for his majesty, and the other half to the officer who prosecuted for the same.

By stat. 28 G. III. c. 28, if at any time it shall appear to the commissioners of the customs, that any vessel under seizure, and which on condemnation may be liable to be broken up, and is of such built and construction as not to be calculated for smuggling, but suitable for fair merchandize, she may be sold after condemnation, instead of being broken up, and the produce of the sale to be disposed of, as the produce of vessels not liable to be broken up after seizure. S. 2.

If in pursuance of any act relative to the trade and revenue of the British colonies and plantations in America, any goods shall be seized as forfeited, the judge of any court having jurisdiction to try and determine such seizures, may order the delivery of such goods or commodities, on sufficient security, by bond being given to answer double the value of such goods, in the event of condemnation. S. 3.

Previous to the execution of such bond the collector or comptroller of the customs shall make inquiry into the sufficiency of the surties, and shall certify the same to the judge of such court, who being satisfied of the sufficiency of the sureties, the bond shall be executed, but not otherwise; and in case the goods and commodities are condemned, the value of the same, conformable to the condition of the bond, shall be paid to such collector, who shall, with the consent of the comptroller, cancel the bond thus granted. S. 4.

This not to extend to authorize the delivery of any goods whatever, only in cases of the same being perishable, or where the informer or prosecutor shall delay coming to as speedy a trial as the course of the court and nature of the circumstances will permit. S. 5.

In case any open boat, belonging in whole or in part to British subjects, of the length of 23 feet and upwards, built for rowing or sailing, the length of which shall be greater than in the proportion of three and an half feet to one foot in breadth, to be

measured by a straight line from the fore part of the stern to the aft side of the transom or stern post aloft, shall be found either upon the water, within any port of Great Britain, or creek, or within four leagues of the coast thereof, or in any place upon land in Great Britain, such open boat shall be forfeited, and may be seized by any officer of the customs or excise; and any such boat being of the length of 18 feet, and under the length of 24 feet, and the depth of which shall be greater than in the proportion of one inch and a quarter to every foot in length (such depth to be taken from the upper part of the plank next the keel, to the top of the upper strake, whether such upper strake shall be fixed to the boat, or used as loose or shifting wash strakes), such boat shall be forfeited, and may be seized, &c. S. 6.

Every open boat of 24 feet and upwards, the depth of which shall be greater than in the proportion of one inch to one foot in length (such depth to be taken as hereinbefore mentioned), may be seized by any officer of the customs or excise. S. 7.

Not to extend to forfeit boats employed in the navy, ordnance, victualling, customs, excise, or post-office, or which is used on any canal or inland navigation, nor to any boat whatever, the owner of which has a licence from the admiralty, if such licence be actually on board such boat at the time of her being examined; nor boats which shall be constructed with timbers and planks, not less than the following scantlings, viz. an open boat from 20 to 25 feet in length, having plank three-fourths of an inch thick, and timbers one-fourth inch square; from 25 to 30 feet, plank one and one-eighth inch thick, and timbers two inches square; from 30 to 35 feet, plank one and three-fourths inch thick, timbers three inches square; from 35 to 40 feet, plank two inches thick, and timbers four inches square; from 40 to 45 feet, plank two inches thick, and timbers five inches square; from 50 feet and upwards in length, having plank three inches thick, and timbers six inches square. S. 8.

By stat. 1 G. III. c. 50. s. 8, any open boat, built for rowing or sailing, or for rowing and sailing with the cutter or lugger to which it shall belong, belonging in the whole or in part to any of his ma-

jesty's subjects, and being of the length of 14 feet, and under 18 feet (measured from the fore part of the stern to the aft side of the stern port aloft), and the depth of which shall be greater than in the proportion of one inch and a quarter to every foot in length, such depth to be taken from the upper part of the plank next the keel to the top of the upper strake, whether such upper strake be fixed or shifting, unless such boat shall have plank of three quarters of an inch thick, and her timbers one inch and an half square, and not more than nine inches distance from timber to timber, together with the cutter or lugger, &c. to which it shall belong, if found either upon the water, within any port of Great Britain, or member or creek thereof, or within four leagues of the coast, or within any of the supposed straight lines mentioned in the following act.

By 34 G. III. c. 50. s. 8, the limits of the British ports to which the smuggling acts apply, are within a supposed straight line from Walney Island in Lancashire to Great Ormstead in Denbighshire; within a supposed straight line from Burdsey Island in Carnarvonshire to Stumble-head in Pembrokeshire; within a supposed straight line from the Lizard in Cornwall to the Prall in Devonshire; within a supposed straight line from the Prall in Devonshire to the Rill of Portland in Dorsetshire; within a supposed straight line from Flamborough-head in Yorkshire to the Staples in Northumberland; within a supposed straight line from the Mull of Galloway in Scotland to the point of Ayre in the Isle of Man.

By 42 G. III. c. 82, every ship, vessel, and boat described in stat. 24 G. III. c. 47, or any other act or acts passed for the extending the provisions thereof, or for the better prevention of smuggling, in force before the passing of this act, shall be subject to forfeiture for hovering; or being found or discovered to have been within four leagues of the coast of Great Britain, shall, together with all goods laden on board, and the guns, furniture, ammunition, tackle, and apparel, be subject and liable to forfeiture if hovering, or found or discovered to have been within eight leagues of the coast of Great Britain, under any of the circumstances in the last cited act, or any other; and the preceding act, and all other acts in force, relating to ships, vessels, or boats hovering, or found or

discovered to have been within four leagues of the coast of Great Britain, and also relating to any goods being on board any such ships, vessels, or boats, and the guns, furniture, ammunition, tackle, and apparel thereof, shall be extended, and applied, and put in execution, as to all ships, vessels, and boats which shall be hovering, or found or discovered to have been within eight leagues of the coast of Great Britain, and also to all goods laden on board any such ships, vessels, or boats, and the guns, furniture, ammunition, tackle, or apparel thereof, in as full and ample a manner as if the said acts, and all the clauses and provisions thereof, were particularly and expressly repeated and re-enacted in this act, as to such distance of eight leagues.

Fines and penalties, and all clauses contained in the recited act, &c. relating to vessels described therein, found hovering within four leagues of the coast, shall extend to such vessels hovering within eight leagues, and to their cargoes, &c.

Nothing in this act shall extend to alter such distance of four leagues as to that part of the coast of Great Britain which is between the North Foreland on the coast of Kent and Beachy Head on the coast of Sussex: provided nevertheless, that such distance of eight leagues, in this act mentioned, may and shall be measured in any direction between the southward and eastward of Beachy Head; and this act, and all the provisions thereof, shall extend to such limits and distance of eight leagues in every direction from Beachy Head, although any part of such limits so extended may exceed the distance of four leagues before mentioned, from any part of the coast of Great Britain to the eastward of Beachy Head aforesaid. S. 3.

And though on any trial relating to seizures, it shall appear doubtful whether the vessel was within the limits above mentioned, yet the jury shall find a verdict for the crown, if they are satisfied that the vessel had prohibited goods on board. S. 4.

If any person shall, after sun-set and before sunrise between the 21st day of September and the 1st of April, or after the hour of eight in the evening and before six in the morning between the last day of March and the 22d of September, make, or aid and assist in the making, or be present for the purpose of aiding



aiding and assisting in making any light, fire, or blaze, or any signal by smoke, or by rockets, fire works, flags, firing of guns, or other fire arms, or any other contrivance or device, on or from any part of the coast or shores of Great Britain, for the purpose of giving any signal to any persons on board any smuggling ship, vessel, or boat, or any ship, vessel, or boat, hovering or found, or discovered to have been within any limits or distances mentioned in this act, or any former act or acts passed for the prevention of smuggling, such person shall, for every such offence, forfeit 100*l*.

S. 7, 8, and 9, relate to the application and recovery of penalties, and allowance to informers.

By s. 10, 11, 12, and 13, officers of the customs or excise may extinguish lights, fires, &c. made for signals, and convey persons making the same before a justice, who shall proceed against them as rogues and vagabonds, within the meaning of 17 G. II. c. 5; and all the powers of that act shall be extended for the purpose of punishing offenders against this present act, except that no person shall be twice prosecuted for the same offence. See *Customs, Excise, Hovering*.

SNUFF. See *Customs, Excise, Exports, Imports*.

SOUTH SEA COMPANY, a company of merchants established for the purpose of trading to the South Sea. To induce government to grant the charter, the company lent to it 10,000,000*l*. towards paying the arrears of the army. Besides receiving an interest for the money, 8,000*l*. a year is to be paid towards the management of the company. That company was famous for the false speculations into which it led the public in 1719-20. They obtained an exclusive privilege, as a corporation, of trading from the river Oroonoko, on the east side of South America, to the southernmost part of Terra del Fuego, and from thence through the South Sea, with liberty to appropriate all islands, ports, &c. they shall discover to themselves. As the project did not succeed, nothing has for a long time remained of this company but the name, the money lent to government being paid for as the other stocks; for the manner of paying, and motive of which, see *Funds*.

SOUND. This passage or strait, called the Sundt or Sound, so famous in all the northern countries, is between the island of Siceland and the Terra Firma

of Scania. On the Swede's side is the city of Helsingburgh, with a ruined castle, between which and Elsinore all the ships which trade to the Baltic pass and repass; so that it may be justly said, that, after the Straits of Gibraltar, this is the most important and frequented one in Europe. The loss of the province of Schonen, which, with the three adjoining, were given to the Swedes by treaty in 1658, was very considerable to the Danes in regard to this celebrated passage, as they were masters of the one, whilst they continued possessors of the other. It is true, that by treaties the right they had is expressly reserved to them, and in virtue thereof they make all ships pay the impost at passage, except the Swedes, who were excused till 1720, when the treaty of Stockholm, signed the 14th of July, between the kings of Denmark and Sweden, re-united and confirmed the sovereignty of the toll to the first of these crowns for ever, to which the Swedish ships have always since submitted like other nations. 12,164 vessels past the Sound last year.

SPAIN, a great kingdom of Europe, bounded by the Mediterranean on the south and east, on the west by the Atlantic, and on the north by the Bay of Biscay and the south-west corner of France, between the 36th and 44th degrees of latitude. It is in the best climate in the world, but the people are not industrious, and the country is very imperfectly and unequally cultivated. In the ancient world Spain was one of the richest and most commercial states, and manufactures were established there at a very early period. When the inhabitants of Britain were yet but naked savages, cordovan leather was worn, and in high estimation at Rome; and the art of weaving silk was known in Spain when we were ignorant of the modes of manufacturing cloth of the coarsest wool. The trade and commerce of Spain were at last destroyed by the banishment of the Moors to Africa, and the importation of gold and silver from America. The former carried with them arts and industry, and the latter introduced idleness and luxury, by which means Spain has now sunk in importance far below most other nations of Europe.

The exports of Spain consist in silk, oil, wine, wool, barilla, saffron, a variety of fruits and iron. Its exports to South America consist of all sorts of European

European manufactures, but very few of them are the produce of Spain itself, which is obliged to import two-thirds before she exports them. The gold that is taken in exchange enables Spain to buy from other nations the articles she wants to export. In 1801 the whole of the exports to the Indies amounted to 7,800,000*l.*, of which 3,500,000*l.* was the produce of Spain, and the rest of other nations. The same year the imports amounted to 12,550,000*l.*, of which 8,300,000*l.* was in toys, gold, and silver, and the remainder in merchandises of different sorts. This is a trade leaving a vast profit to Old Spain, but it only encourages indolence and pride, and therefore is not productive of real advantage to that country. The Spanish trade is not on the increase; but, on the contrary, as the mines become more difficult to work, and the country in Europe becomes deeper indebted, its industry diminishes. By an edict of the king of Spain, dated 19th November 1802, all custom-houses of the kingdom shall require *certificates of origin* of all foreign articles and merchandises imported into that kingdom: these certificates are to be attested or delivered by the commissioners of commercial affairs, established in the provinces or departments of ports where the goods shall be shipped.

**STAMP DUTIES.** By stat. 37 G. III. c. 136, any instrument, &c. (except bills of exchange, promissory notes, or other notes, drafts, or orders), liable to a stamp of a particular denomination or value, and whereon there shall be any stamp of a different denomination or value, but of an equal or greater value with the stamp required, may be brought to the stamp-office, and upon payment of the duty, and a penalty of 5*l.* be stamped with the proper stamp, or if wrote without a stamp, or with a stamp of less value than is required, it may be stamped, on payment of a penalty of 10*l.*, exclusive of the duty; and, under some circumstances, on application to the commissioners within six days after the execution, the penalty may be remitted.

An agreement entered into at sea, or out of England, need not be stamped. 1 *Espin. Rep.* 311.

A stamp of a different kind than that directed by the statutes will not be valid, though of equal or

greater value; and articles of agreement sealed cannot be given in evidence, unless stamped with a deed stamp, 6 T. Rep. 317; but if an award be sealed (although not on a deed stamp), if the party delivered it as his award, it is good. *Wilson v. Smee*, Hilary Term, 1798.

If an instrument, executed abroad, requires a stamp by the laws of the country where it was executed, a party cannot sue on it here, unless it has the stamp required in the country where it was executed. 2 *Espin. Rep.* 528.

Any alteration upon any agreement, bill, note, &c. requiring a stamp, makes it a new instrument, and a new stamp is necessary.

**STOCKS.** See *Public Funds*.

**STOCK-BROKERS.** See *Brokers, Funds*.

**STOCK-JOBBER.** Various statutes have been made to restrain the iniquitous practice of gambling in the funds; but the wise and positive enactments of the legislature have not been adequate to provide a remedy commensurate with the extent of the evil.

By 6 G. I. c. 18, made perpetual by 10 G. III. c. 8, all undertakings tending to the common grievance, prejudice, and inconvenience of trade, commerce, or other lawful affairs; and all public subscriptions, payments, assignments, and transfers, are declared illegal and void; and all such undertakings shall be deemed public nuisances, and incur the penalties of a *premanire*. S. 19.

Persons suffering any damage by reason of the above practices, shall recover treble damages, with full costs of suit. S. 20.

Brokers selling or agreeing to sell any share or interest in any such undertakings by this act declared unlawful stock, to forfeit 500*l.*, and be disabled from acting as brokers. S. 21.

By stat. 7 and 8 G. II. c. 8, all contracts and agreements whatsoever, upon which any premium, or consideration in the nature of a premium, shall be given or paid for liberty to *put upon*, or to deliver, receive, accept, or refuse any public or joint stock, or other public securities whatsoever, or any part, share, or interest therein, and also all wagers and contracts in the nature of puts and refusals to the then present or future price or value of any such stock or securities, shall be null and void, and the money paid thereon

thereon shall be restored, or it may be recovered by action commenced thereon within six months, with double costs.

All persons liable to be sued under the present act shall be compellable to answer upon oath such bill as shall be presented against them, in any court of equity for discovering such contract or wager, such plaintiffs, upon the filing of such bill, to give good and sufficient security for full costs, if such costs shall be adjudged to the defendant. S. 2, 3.

All persons who shall enter into, make, or execute any such contract, bargain, or agreement, hereinbefore declared unlawful, except such persons who shall actually and *bona fide*, without covin or collusion, sue, and without effect prosecute for the recovery of the money or premium given, delivered, or paid as aforesaid; and also, except any person who shall voluntarily, before any action or suit commenced, actually and *bona fide*, without covin or collusion, repay or tender, before one or more witnesses, such monies or premium as shall have been so paid; and also, except such person who shall discover such transactions in any court of equity, shall forfeit 500l.; and all brokers, agents, scriveners, or other persons negotiating or writing such contract, bargain, or agreement, shall likewise forfeit 500l., one moiety to the king, and the other to the informer. S. 6.

No money, or other consideration whatsoever, shall be voluntarily given, paid, had, or received for the compounding, satisfying, or making up any difference for the not delivering, transferring, having, or receiving any public or joint stock, or other public securities, or for the not performing of any contract or agreement so stipulated or agreed to be performed; but that every such contract and agreement shall be specifically performed and executed on all sides, and the stock or security thereby agreed to be assigned, transferred, or delivered, shall be actually so done, and the money or other consideration thereby agreed to be given and paid for the same, shall also be actually and really given and paid; and all persons who shall voluntarily compound, make up, pay, satisfy, take, or receive such difference, money, or other consideration whatsoever, for not delivering, transferring, having, or receiving such stock or other security so agreed to be transferred, assigned, had, or

received (except as hereinafter provided), shall forfeit 100l. S. 5.

Any stock or other security agreed to be paid for on a certain day, and which shall at such day be neglected to be paid for, may be sold to any other persons for the best price which can be obtained, and the buyer shall make good the damage which shall be sustained thereby. S. 6.

If the stock or other security so agreed to be taken at the time prefixed, the buyer may purchase other stock, and recover the damage which shall be sustained by reason of the not delivering or not transferring such stock or other securities. S. 7.

All contracts and agreements whatsoever made or entered into for the buying, selling, assigning, or transferring any public or joint stock, or other public securities whatsoever, or of any part, share, or interest therein, whereof the person or persons contracting or agreeing, or on whose behalf the contract or agreement shall be made, to sell, assign, and transfer the same, shall not, at the time of making such contract or agreement, be actually possessed of, or entitled unto, in his, her, or their own name or names, or in the name or names of a trustee or trustees, to their use, shall be null and void to all intents and purposes whatsoever; and all and every person whatsoever contracting or agreeing, or on whose behalf, or with whose consent any contract or agreement shall be made to sell, assign, or transfer any public or joint stock or stocks, or other public securities, whereof such person or persons shall not, at the time of making such contract or agreement, be actually possessed of, or entitled unto, in his, her, or their own name or names, or in the name or names of a trustee or trustees, to their use, or their own right as aforesaid, shall forfeit 500l.; and every broker or agent who shall negotiate, transact, or intermeddle in the making, or procuring to be made, any such contract or agreement as aforesaid, and shall know that the person or persons by whom, and on whose behalf such contract or agreement shall be made, is or are possessed of or entitled unto the stock or security, concerning which such contract or agreement shall be made as aforesaid, shall forfeit 100l. S. 8.

Every broker or other person who shall negotiate

or act as a broker, receiving brokerage in the buying, selling, or otherwise disposing of any of the said public or joint stocks, or other public securities, shall respectively keep a book or register, which shall be called the broker's book, in which he shall fairly, justly, and truly enter all contracts and bargains that he shall from time to time make between any person or persons whatsoever, on the day of making such contract or agreement, together with the names of the principal parties, as well buyers as sellers, and also the day of making such contract or agreement, to the intent and purpose that such broker or brokers, and other person or persons acting or negotiating as such as aforesaid, shall from time to time produce such book or register, when thereunto lawfully required; and in case such broker, or person acting or negotiating as such, who shall not keep such book or register, or shall wilfully omit to enter therein fairly, justly, and truly any such contract, bargain, or agreement as aforesaid, shall, for every such offence or omission, forfeit 50*l*.

Nothing in this act to alter the mode of contracts for stock made with the privity of the accountant general in chancery, nor to prevent persons from lending money on public stocks, nor to prevent the redelivery thereof on repayment of money so lent.

*Application of penalties.* One moiety to the king, and the other to the informer.

Upon the above statute the following cases have been decided.

If two persons engage jointly in a stock-jobbing transaction, and incur losses, and employ a broker to pay the differences, and one of them repay the broker, with the privity and consent of the other, the whole sum, he may recover a moiety from that other, in an action for money paid to his use, notwithstanding the above abstracted statute of 7 G. II. c. 8, which avoids and declares illegal all stock-jobbing transactions. *Petrie v. Hannay*, M. 30 G. III. 3 T. R. 418.

But in case of such illegal transaction, if one partner pay money for another without an express authority, he cannot receive it back. 3 T. R. 418.

Where persons engaged in stock-jobbing are also concerned in making real transfers of stock, and the balance is paid upon the whole by one for both

of them, a moiety of the money paid on the real transactions may be recovered, even under circumstances in which the other part could not. 3 T. R. 418.

A broker who contracts with others for the sale of stock at a future day, by the authority of the principal, who afterwards refuses to make good his bargain, cannot by paying the difference to such third persons maintain an action on an implied assumpsit against his principal for the amount. If the principal were really possessed of the stock so bargained to be sold, such contract is not illegal within the 7 G. II. c. 8, against stock-jobbing, although the broker did not disclose the name of his principal at the time of the bargain made; and the purchaser may maintain an action for the difference against the principal. *Child v. Morley*, 8 T. R. 610.

Parol evidence cannot be given of the transfer of stock, but copies from the books of the Bank must be proved. *Bretton v. Cope*, Peake N. P. p. 31. But a transfer of stock is evidence on a plea of payment to an action on a bond. *Ibid*.

An action on the case will lie against the Bank for refusing to transfer stock. *Rev v. the Bank of England*, M. 21 G. III. Doug. 524.

Stock given by will does not vest immediately in the legatee, but in the executor or administrator in trust for him. *Ibid*.

An action will not lie as for money had and received to recover back stock in any of the public funds; for stock is not money, and the remedy should be by bill in chancery. The above point was determined in an action to recover back 50*l*. India stock, transferred to the defendant by the bankrupt after an act of bankruptcy committed. *Nightingale v. Devisme*, 2 Black. Rep. 684.

An agreement to pay a per centage upon the day on which any money should be received by the defendant, through the means of the plaintiff's information, does not entitle the plaintiff to the stipulated reward, upon the transfer of stock in consequence of such information, although he might afterwards receive the dividends thereon. *Jones v. Brinley*, Mich. 41 G. III.

Quere as to the dividends received, which were due at the time of the transfer. *Ibid*.



In estimating the measure of damages in an action for breach of an engagement to replace stock on a given day, the stock must be estimated according to the highest value as it stood at the time of the trial, there having been no offer of the defendant to replace it in the intermediate time while the market was rising. *Shepherd executor v. Johnson* Hilary, 42 G. III. See *Considerations, Illegal Funds, Public Funds*.

STOCKHOLM, the capital of Sweden, containing about 70,000 inhabitants; for its exports and trade, see *Sweden*.

STOPPING GOODS IN TRANSITU. When the merchant has consigned goods to a person who is in suspicious circumstances with respect to his credit, the owner, whilst such goods are on the passage, and before they come into the actual possession of the consignee, may recel the possession, and prevent the delivery. This is termed stopping *in transitu*, or whilst the goods are on their passage, and not actually in the possession or within the power of the consignee.

When goods have been delivered into the actual or constructive possession of the buyer, they cannot be reclaimed; but they may, if found remaining unsold in the hands of an insolvent factor.

Delivery of goods on board a ship chartered by the consignee, is considered as a delivery into the possession of the consignee, and the consignor cannot retake them out of such ship; but a delivery to a common carrier, whether by water or land, even if specially named and appointed by the consignee, although such delivery vests the property in the consignee to many purposes, leaves to the consignor this equitable right of stopping the goods; and the law is the same in the case of delivery to a packer appointed by the buyer. So if goods are sent by sea to a certain port, to be forwarded from thence by land to the residence of the consignee, and, upon the ship's arrival at the port, are delivered to a wharfinger, who receives them on the part of the consignee to be forwarded to him accordingly, they are subject to this right of the consignor in the hands of the wharfinger; yet in a case of goods sent by a waggon, which arrived at an inn in London, where the waggon usually puts up, and which were attacked by a creditor of the vendee, according to the custom of

London, and which in that situation were claimed by his assignee, he having become bankrupt, it was held, that the vendor could not afterwards countermand the delivery of goods, being deemed to have arrived at the end of their destined journey, and the consignee to have done that which was equivalent to taking actual possession, the removal of the goods being impracticable, on account of the attachment. And where a ship which ought to have performed quarantine, came into port without doing so, and the assignee of the consignee, who had received the bill of lading, but had become bankrupt, went on board immediately, and claimed the goods, and opened some of the chests, and put a person on board to keep possession; and the ship being the same day ordered out of port to perform quarantine, an agent of the consignor having received another bill of lading, claimed the goods of the master during the performing quarantine: it was held by Lord Kenyon, at the trial of an action brought by the consignor against the assignees, who afterwards obtained possession of the goods, that the right of the consignor to stop the goods *in transitu* existed when the claim was made on his behalf, because the voyage was not at end until the performance of quarantine, and the consignee had no right to divest the right of stopping *in transitu* by taking possession before the conclusion of the voyage; and the plaintiff obtained a verdict accordingly.

If the consignor indorses, and transmits the bill of lading, in pursuance of an agreement, and in trust, to indemnify against acceptances or the like, he cannot countermand the delivery and take back the goods while the trust and object of the consignment remain unsatisfied, nor must the master redeliver them to him; and if the master has begun to unload, and delivered part of the cargo to the consignee, the consignor's right to countermand is wholly at an end, and cannot be exercised over the residue of the cargo. *Slubey* and another against *Heyward* and others, 2 Hen. Black. 504. The right of stopping goods *in transitu* does not, however, belong to a person who had only a lien without a property in them.

Whether a bill of lading is by law an instrument assignable and negotiable in the same manner as a bill of exchange is a question of considerable consequence. It appears to be the opinion both of the

lawyer and merchant, that by the custom of merchants, bills of lading, expressing goods to have been shipped by any person to be delivered to order or assigns, are, before the ship's arrival, negotiable and transferrable by him to any other person, by his indorsing his name, and delivering or transmitting the same so indorsed to such other person, and that by such indorsement, delivery, and transmission to such other person, the property is transferred to such other person.

By a late decision, if the master, being required to deliver the goods to an agent of the consignor, either expressly engage to do so, or says that he will not part with them until he is certain of a safe delivery, and afterwards deliver them to the consignee, or the persons claiming under him, he will be responsible to the consignor, provided it shall turn out that the consignor was legally entitled to countermand the delivery and take back the goods. In general, where two opposite parties claim a right to receive the goods, both or either of them will be willing to give an indemnity to the master, and the master should in prudence deliver the goods to the party upon whose indemnity he can most safely rely: but if a satisfactory indemnity is not offered, the master must exercise a discretion; then, if the bill of lading has not been assigned over by the consignee, and he has failed, the master should deliver to the person who claims for the use of the consignor. If the consignor has endorsed bills of lading to different persons, the master should deliver to those to whom the consignor first made the endorsement. If the consignee has assigned the bill of lading, and the validity of the assignment be questionable, it seems most proper for the master to deposit the goods in a place of safety, and apply to the court of chancery by way of interpleader, to compel the contending parties to litigate their rights by an action between themselves. *Mills v. Ball*, 2 Bos. and Pull. 457. See *Bankrupt, Lien*.

**STORE**, *Bill of*. See *Bill of Stores*.

**SURETY**, is a bail, that undertakes for another in a criminal case, or action of trespass. In cases of bankruptcy, the surety cannot prove until he has paid the money for which he became responsible. See *Bail, Bankruptcy*.

**SURINAM**. This province is situated on the conti-

nent of America, between 5 and 7 deg. north latitude, having the mouth of the Oroonoko and the Atlantic on the north, Cayenne on the east, Amazonia on the south, and Terra Firma on the west. The Dutch, from whom it was taken during the late war, and ceded to them by the late treaty of peace, claim the whole coast from the mouth of the Oroonoko to the river Marowynne, on which are situated their colonies of Essequibo, Demarara, Berbice, and Surinam. The latter begins with the river Saranacha, and ends with the Marowynne, including a length of coast of 120 miles. The climate in September, October, and November, is unhealthy, particularly to strangers. The colony contains near 600 plantations of from 500 to 200 acres each, which are situated on each side of the rivers and creeks, producing annually about 14,000 hogsheads of sugar, 8,000,000 pounds of coffee, 500,000 pounds of cocoa, and 800,000 pounds of cotton. Rum might be distilled here. Indigo, ginger, rice, and tobacco, have been, and may be further cultivated, and many other articles. In the woods are found many kinds of good and durable timber, and some woods for ornamental purposes, particularly a kind of mahogany called copic. The soil is perhaps as rich and luxuriant as any in the world. Paramaribo, situate on the Surinam river, four leagues from the sea, is the principal town in Surinam.

**SWABIA**, a circle of Germany, of considerable extent, but, in general, badly cultivated, though in some particular spots agriculture is carried to a high pitch. In regard to other riches besides those which arise from the soil, it is merely able to supply itself, and exports a few cloths, skins, and metal. Its imports consist of East and West India produce, and some French and English fine manufactures, wines and brandies.

**SWEDEN**, a large kingdom of Europe. It contains about 3,000,000 of inhabitants, and 30,000 square leagues. Stockholm is the capital. Longitude 183. east, latitude 59. 20.

Sweden manufactures cloth, glass, and most sorts of articles sufficient for home consumption, and in 1783 exported to the amount of about 1,500,000. In different articles, of which bar-iron, wrought-iron, cast-iron in cannons and other things, steel, copper, brass,

brass, alum, vitriol, salt herrings, pitch, tar, and timber, were the chief. The iron and steel are of very superior qualities.

The imports are drugs, groceries, and East and West India produce, French, Rhenish, and Portugal wines, brandies, and corn from Poland and Prussia; also tobacco, wool, together with a variety of articles of luxury. The staple article of Sweden is indisputably iron, but it might carry its commerce much farther than it does.

**SWITZERLAND**, a country divided into a confederation of 13 republics or cantons, bounded by France on the west, Tyrol on the east, on the north by the Black Forest and Swabia, and on the south by Savoy and the country of Milan. The number of inhabitants before the last troubles amounted to about 2,000,000, and it is about 3000 square leagues in extent.

The soil of Switzerland, which is mountainous, is

very variable, and its chief commerce consists in the cattle it is enabled to sell to its neighbours. There is also a considerable manufacture of watches and clocks carried on by the people in that country, who in their manners, habits of economy, and industry, very much resemble those of Savoy.

The manufactures of Switzerland consist of muslins and printed cottons of all sorts, table linen, plain linen cloth, light stuffs of silk and silk and cotton, ribbons of different qualities and taste, white and coloured handkerchiefs, brass and iron ware: and watch and clock work, horses, cattle, skins, and cheese, are the principal articles of exportation. As for the cloths manufactured there, a great part is sold at the fair of Beaucaire. The first productions of this country are brave soldiers and liberty, but the present circumstances have laid an embargo on all such sort of commodities.

## T.

### T E N

**TARE AND TRET**. Tare is an allowance made for any defect, waste, or diminution in the weight, quantity, or quality of goods. Tare is also an abatement or deduction on account of the weight of chests, casks, bags, &c. Tret is an allowance made for the water or dust that may be mixed with any commodity, which is generally four pounds for every one hundred and four pounds weight. See *Custom house*.

**TEA**. See *Exports, Imports, Customs, and Excise*.

**TENDER**, is the offering of money to do some act to save some penalty. Thus, money may be offered in payment of any debt. By various statutes also a tender of amends is authorized, where, in other cases, such a tender would not be allowed, such as in actions against magistrates or officers of the revenue.

Tender of money on a bond is to be made to the person of the obligee at the day appointed, to save

### T E N

the penalty and forfeiture of the bond; and it ought to be done before witnesses, although, if the obliger be afterwards found, he must nevertheless still pay it: but if the obligor be to do any collateral thing, or which is no part of the obligation, as to deliver a horse, &c. and the obligor offer to do his part, and the obligee refuses it, the condition is performed, and the obligation for ever discharged. 1 Inst. 207, 208.

Upon an award to pay money upon a certain day at a certain place, the party who is to pay the money must remain upon such day with the money until after sun-set. 2 Cro. 243.

All tenders at common law, or by statute, must be made before the writ is sued out.

A right to damages on account of the non-payment of a debt, or non-performance of a duty, may, after being taken away by a tender and refusal, be revived

again by a demand subsequent to the tender and refusal, as a new cause of action arises upon the non-payment or non-performance thereof upon such demand.

In case of a plea of tender as to part, and *non-assumpsit* as to the residue, and the issue on tender being found for the defendant, and the balance proved under 40s. the defendant, although within the jurisdiction of the court, will not be entitled to costs under 23 G. II. c. 33. s. 19. Nor in case of a set-off, producing a similar effect. *Dug.* 448.

A defendant cannot be permitted to plead *non-assumpsit* to the whole debt, and a tender as to part of it. 4 T. R. 1.

If the plaintiff in an action does not admit the tender, he should not take the money out of court; for, by taking it, he admits the same to be right: but if he admits it, and proceeds for further damages, upon the ground that the tender was inadequate to cover his demand, he may take the money out of court, enter an acquittal as to the tender, or confess the same in his replication, and proceed on the general issue for the remainder. *Ld. Raym.* 1774. But if he admits the tender, and enters an acquittal without going for further damages, he must pay the defendant his costs. *Barnes*, 337.

A tender may be made of money in bags, without shewing or counting it, if it can be proved the bag actually contained the sum so tendered. 5 Rep. 115. A tender in bank notes will be sufficient, unless the creditor expressly refuses them, and insists upon cash. 3 T. R. 554. If a tender be made of more than is due, such tender will be good. 5 T. R. Tender of the money is requisite on contracts for goods sold to entitle the party to an action of trover, and a tender of stock sold for so much money, if it be well made, will entitle the party to the sum agreed to be paid. 3 Salk. 343.

TERRITORY, *Rights of.* See *Law of Nations*.

THAMES POLICE. The depredations on the river having been committed to such an alarming extent, the interference of the legislature became necessary, and the following river police regulations were adopted. By stat. 40 G. III. c. 87, a public office is established near Wapping New Stairs, for determining complaints of offences committed on the river Thames.

By s. 12 of this act, suspected persons and reputed thieves, frequenting the river, and the quays and warehouses, &c. adjoining, with a felonious intent, may be apprehended by the constables or surveyors, and conveyed before the special justices, or any other justice; and if it shall appear that there is just ground to suspect such their intent, they shall be deemed rogues and vagabonds within the meaning of the 17th G. II. c. 5, and may be imprisoned.

By s. 14, persons employed in the landing or warehousing goods and merchandizes, who shall wilfully cause or suffer to be broken, bruised, pierced, started, cut, torn, or otherwise injured, any cask, box, chest, bag, or other package, containing, or being designed and prepared for containing any such goods or merchandizes, while on board of any barge, lighter, or other craft, lying in the same river, or any quay, wharf, or landing place adjacent to the same, or in, or in the way to or from any warehouse to or from which such package shall have been removed, removing, or about to be removed, with intent that the contents of such package should be spilled or dropped, every person so offending shall forfeit any sum not exceeding 40s. nor less than 10s. and shall, on conviction, be committed for one calendar month, determinable upon the payment of such penalty; and the magistrates before whom such conviction shall have taken place, may cause a description of the offender and the offence to be published in any newspaper. S. 14.

Persons letting fall or throwing into the river any article, for the purpose of preventing the seizure or discovery of any goods unlawfully obtained, are guilty of a misdemeanour; and if any of apparent value shall be let fall into the boat, &c. without the privacy of the owner, the boat may be seized, and every person therein, or suspected person near thereto, conveyed before the special justices or justices of the jurisdiction, and if not made appear that this did not proceed from any fraudulent design, the parties shall be deemed guilty. S. 15.

If, on information on oath, it shall appear to the justices that there is reasonable cause for suspecting that any of the cargo of any vessel, or any of his majesty's stores, &c. have been unlawfully obtained, and are concealed, they, or any justices in their jurisdictions,



tions, may cause the place to be searched by day or by night, and by force, if necessary; and if any be found, and be not made appear by what lawful means the same came deposited, the person in whose house the same shall be found, and the persons appearing to have been privy to the depositing, shall be deemed guilty of a misdemeanour. S. 16.

Every person who, to prevent any articles from being seized on suspicion of being stolen, or, being produced as evidence, shall frame any false bill of parcels, shall be adjudged guilty of a misdemeanour, and may be advertised. S. 17.

Where the production of the party from whom any goods have been bought would exempt any person from being adjudged guilty of a misdemeanour under the last recited act, such production shall be sufficient, unless the account given be satisfactory to the justice, who, otherwise may adjudge the party guilty of a misdemeanour. S. 18. See *Bam Boats*.

TOBACCO. See *Exports, Imports, Customs, and Excise*.

TONNAGE. By stat. 42 G. III. c. 43, certain duties are imposed upon certain descriptions of goods; these duties are substituted for those imposed by the convoy act. By this act additional duties on customs shall be levied upon goods, wares, and merchandize imported or exported to or from Great Britain, as specified in the said act; except such description of goods as are mentioned in this act, which, under certain restrictions, shall be exempt.

Where the duties are charged according to value, it shall be taken as at the port of importation, deducting the duties payable on the importation thereof by this or any other act, and ascertained according to the 27th G. III. c. 13; and if not truly valued according to the provisions of the said act, the goods may be detained by the officers of the customs. S. 2.

If the real value cannot be ascertained without the same being landed and examined, a deposit may be made by the importer to secure the new duties, and after the value of the goods shall have been ascertained, the additional duties shall be paid before the goods shall be delivered to the importer; and if their value cannot be ascertained without being sold, so as to enable the importer to make a true entry, the goods, after the duties charged thereon by any former act,

may be sold, such deposit having been made as aforesaid, and the entry of such goods shall in such case be completed within seven days after such sale, and the new and additional duties hereby imposed shall be paid upon the value thereof, according to the price which the goods produced at the sale, such price to be ascertained by the oath of the importer or proprietor, or his known agent or factor, before the collector or comptroller of the customs at the port of importation. S. 3.

No wine imported subsequent to October 1, 1801, shall be taken out of any warehouse where it is deposited under his majesty's locks, until the additional duties shall have been paid. S. 4.

Where the duties upon goods imported by the East India Company are charged according to value, such value shall be ascertained by the gross price which such goods produce at the public sales of the said company. S. 5.

The additional duties payable by the East India Company upon goods by them imported, shall be paid or secured in such manner, and subject to such rules and regulations, as are directed with respect to the payment of any former duties imposed by any acts in force before the 12th of May 1802, upon such goods, merchandizes, &c. respectively imported by the said company. S. 6.

Where prize goods are to be charged according to their value, such value shall be ascertained by the gross price at which such goods shall be publicly sold, without any deduction or abatement whatsoever. S. 7.

By the 8th section, the following articles are exempted from the operation of this act upon importation.

Bullion, or foreign coin of gold or silver.

Fresh fish, British, taken and imported in British built ships or vessels, owned, navigated, and registered according to law.

Turbots and lobsters, however taken or imported.

Corn or grain.

Flax, rough or undried.

Sugar.

Cinnamon, cloves, mace, and nutmegs; and furs and skins of the produce of and imported from any British colony or plantation in America.

Sheep's wool.

Spanish wool.

Tobacco, coffee, cocoa nuts, or rice, imported and warehoused, unless and until such tobacco, coffee, cocoa nuts, or rice, shall be taken out of such warehouse for the purpose of being used or consumed in Great Britain; in which case the said new and additional duties shall be paid to the proper officer of the customs, before such tobacco, coffee, cocoa nuts, or rice, shall be delivered out of such warehouse for the purpose of being so used or consumed.

Goods, wares, and merchandize, of the growth, produce, or manufacture of Ireland, imported directly from thence into Great Britain.

Goods, wares, or merchandize, imported into Great Britain from Hudson's Bay by the Hudson's Bay Company.

Goods, wares, or merchandize, of the growth, produce, or manufacture of the islands of Guernsey, Jersey, Alderney, Sark, or Man, imported into Great Britain directly from the said islands respectively, in case such goods, wares, or merchandize were allowed by any act or acts of parliament in force on or immediately before the passing this act, to be imported without the payment of any customs or other duties, except such excise or other duty as is now or shall hereafter for the time being, be due and payable for the like goods of the growth, produce, or manufacture of Great Britain; subject nevertheless to all the rules, regulations, restrictions, penalties, and forfeitures, to which the same are liable when imported from the said islands without payment of the customs or other duties as aforesaid, under the authority of any act or acts of parliament in force on or immediately before the passing of this act.

Goods, wares, or merchandize, being of the growth and produce of any foreign colony, island, or plantation in America, and imported into Great Britain directly from any such colony, island, or plantation in any British built ship or vessel, owned, navigated, and registered according to law, or in any ship or vessel belonging to any of the subjects of the United States of America, or of any other country or place in amity with his majesty; pro-

vided such goods, wares, and merchandize shall be permitted to be landed and warehoused in Great Britain, by virtue of and under the authority of any order or orders of his majesty in council: provided also, that in case any such goods, wares, or merchandize shall be taken out of any such warehouse, for the purpose of being used or consumed in Great Britain, the said new and additional duties shall be paid to the proper officer of the customs, before any such goods, wares, or merchandize shall be delivered out of any such warehouse for the purpose of being so used or consumed.

Articles of provision which shall be permitted to be entered and landed in Great Britain without payment of any duty of customs, by virtue and under the authority of any order or orders of his majesty in council.

Importers of the produce of the Newfoundland fisheries directly from Newfoundland, may give bond in treble the estimated duty on such fish, oil, or other produce of the said fishery, that such produce shall be duly exported from Great Britain, or that the additional duties imposed by this act shall be paid within twelve calendar months from the date of such bond. S. 9.

Where the duties on exportation of goods are charged according to the value, such value shall be estimated at the port of exportation without any deduction or abatement, except so much as the duties of excise payable by this or any other act of parliament upon such goods or merchandize shall amount to, such value to be ascertained by the declaration of the exporter or proprietor, or of his known factor or agent; and in case such goods shall not be valued according to the true intent and meaning of this act, the proper officer of the customs may cause the same to be detained, and shall proceed with respect to the same according to the regulations prescribed by this act. S. 8.

If upon the entry of such goods for exportation, the exporter or proprietor cannot ascertain their true value, they may be exported upon giving bond in treble the amount of the supposed value, conditioned for payment of the additional duties imposed by this act within three months, according to the real value, to be ascertained as hereafter directed, and for producing

ducing the invoice and bills of parcels, and such other documents as the commissioners of the customs shall think necessary for ascertaining the true value of such goods. S. 11.

By the 12th section the following articles are exempted from the operation of this act upon exportation :

Bullion, goods, wares, or merchandize exported from Great Britain to Ireland.

Goods, wares, or merchandize exported to Hudson's Bay by the Hudson's Bay Company.

Goods, wares, or merchandize exported from Great Britain to the Isle of Man by virtue and under the authority of any licence which the commissioners of his majesty's customs in England or Scotland, or any three or more of them respectively, are, or may be by law, authorized and empowered to grant.

Cotton yarn, or other cotton manufactures, being of the manufacture of Great Britain.

Any sort of craft, fool, victuals, clothing, or other goods fit and necessary for the British fishery established in the island of Newfoundland, or for the use and support of the mariners or other persons employed on board the vessel, or on shore in carrying on the said fishery, exported from Great Britain to the said island.

If any exporter or proprietor of any goods entered for exportation, or his known agent or factor, shall knowingly or fraudulently make any false declaration of the value of such goods, after the same shall have been allowed to be shipped for exportation, he shall forfeit a sum equal to the true value. S. 13.

No fees to be taken for any additional entry by any officers of the customs on account of the new duties. S. 14.

The 15th section exempts bonds given in pursuance of this act from the stamp duties.

The commissioners of the customs may order any entry of goods detained on account of not being duly valued, upon such terms as they think fit; and if such terms are accepted, the importer, exporter, or proprietor, shall not be entitled to any recompence or damage on account of the detention of such goods. S. 16.

By s. 17, certain duties of tonnage shall be paid

on vessels entering outwards or inwards in Great Britain.

This act is not to extend to vessels employed in the fisheries on the coast, not entering outwards for foreign parts. S. 18.

The tonnage duties are payable *every voyage*, and are to be computed according to the 26th G. III. c. 60; and the tonnage of every other vessel, in case of dispute, shall be ascertained by admeasurement in the mode prescribed by this act. S. 19.

No vessel shall be cleared inwards until payment of the tonnage duty, and if the same be not paid within *thirty* days from the report of any ship arriving from abroad, the commissioners of the customs for England or Scotland respectively may detain such vessel, which they may cause to be publicly sold to the best bidder, and the produce thereof to be applied first to the charges arising from the detention and sale of such ship, next to the tonnage duty imposed by this act, and the overplus to be paid to the proprietors, or other person duly authorized to receive the same; and no ship shall be permitted to be entered outwards, or any coquet or entry to pass for such goods, unless the tonnage duty imposed by this act shall have been first duly paid. S. 20.

The tonnage duty imposed by this act is not to extend to vessels not required to be registered, nor to vessels in ballast. S. 21.

The remaining sections of this act relate to the management of the duties, limitation of actions, &c.

TOULON, a sea port in the south of France, on the north side of the Mediterranean sea. It is the only good port for ships of war on that coast of France. The commerce is but inconsiderable, and is chiefly with the Levant. This place was very famous for its soap works, of which there were above 30 manufactories 30 years ago; but now there are only five or six, and those do but little business. There are only about 20,000 inhabitants in the town; but the docks, arsenal, &c. for building ships are excellent.

TRADE, a word used in many cases to signify *commerce*, also traffic and manufacturing of goods; so that it is a very general and comprehensive term. Most kinds of industry, excepting agriculture, are comprehended under

under the general appellation of trades; and all sorts of dealing, by way of selling or exchanging, are called trading. If selling, bartering, or exchanging, constitute trading, all men who make articles for which they either receive money or other things in exchange must be men in trade, or traders: but as language is sometimes superior to all rule, and is what custom makes it, we do not call a farmer a tradesman, but we speak of the corn trade. Artizans, as well as those who employ them, are called tradesmen; and men in the highest lines of commerce, are called men in trade: but to call them tradesmen, would be highly improper, according to the received usage of the word. Few words are more generally applied and universally used, and consequently there is scarcely any term so difficult to define in a complete and unexceptionable manner. It will perhaps be sufficient for the present work, to consider it as implying commerce on the extensive and wide scale from nation to nation, as well as the exchange and barter made between individuals in the same place or nation.

The art of making or manufacturing different articles is the great foundation of trade, or the necessity of exchanging one thing for another. Of the fruits of the field, the same person, particularly in an early and simple state of society, raises such a variety as to want nothing that the ground produces from another; whereas, on account of the talents of one man being most advantageously employed in producing only one article, he is under the necessity of selling nearly all he makes or produces, and buying or receiving in exchange every thing he wants. Trade and agriculture, though blended together to a certain degree, yet preserve distinctive characteristics, and comprehend between them almost every species of productive industry. Of trading countries there are, however, two different sorts: those which deal chiefly in exporting and importing the commodities produced in other countries; and those which carry on manufactures to a great extent, dealing chiefly in their own productions.

*Trades to foreign countries (names of).* There are 23 distinct branches of trade carried on from this country to others in times of peace.

Ireland, 1; East Indies, 2; West Indies, 3; United

States of America, 4; Canada and Nova Scotia, 5; France, 6; Spain, 7; Germany, 8; Flanders, 9; Portugal and Madeira, 10; Seven United Provinces of Holland, 11; Sweden, 12; Denmark and Norway, 13; Turkey, 14; Straits, 15; Baltic and East Country, 16; Russia, 17; Africa, 18; Italy and Venice, 19; Greenland, 20; Bermudas, 21; Jersey, Guernsey, and Alderney, 22; Spanish West Indies, 23. The aggregate amount of all these branches of trade amounted, one year with another, at the beginning of the last century, to 6,500,000*l.*; they amount now to more than 40,000,000*l.*: yet so late as the year 1781, that is not more than 21 years ago, the whole amounted only to 11 millions. This is the progress of commerce; but to suppose that, what is generally known by the name of trade, has augmented in the same proportion, is to estimate the situation of this country at the revolution as exceedingly low indeed.

The branches of trade that have the most considerably augmented during the above period, are the American, West Indian, East Indian, and Irish. Many of the others have not augmented at all, and some have rather fallen off. Of these four branches, the East Indian is in itself the most ancient trade in the world, though not so with respect to England. The West India trade is recent and factitious, founded upon an order of things that cannot, from its nature, be of very long duration. The American trade is the most recent of all; but from its nature durable and increasing. It is the great market for English manufactures; and as, from its nature, it must long be an agricultural, and not a manufacturing, nation, as also the habits, manners, and wants of the people resemble our own, the trade will nearly increase in the same ratio with the population, which doubles in about 25 years; according to which well-founded calculation, it may be expected that, in less than half a century hence, the Americans will consume more of our manufactures than the whole world does at the present day.

The commerce with Ireland has increased more in proportion than that of either the East or West Indies; but it cannot continue to augment in the same proportion; for, though Ireland increases in wealth and luxury, it increases in commerce and manufac-



tures also, which must in the end, the climate, soil, and nature of the people in both countries being nearly the same, prevent an augmentation, and may very likely occasion a falling off.

The interior trade of this country is greatly encouraged by the freedom of our laws, and the security of property. Industry has less difficulty in finding capital for its support in this than in any other nation; and therefore, having a more free scope, has been exerted with greater vigour and energy. Our great foreign trade arises chiefly from two things; the long credits which our merchants are enabled to give, and the great degree of perfection to which the most part of our manufactures are carried by the division of labour, and machinery employed in this country. See *Preliminary Essay*.

A bond not to carry on a trade in a certain place for any number of years, on a good consideration, is good: but a bond conditioned not to set up a trade generally, although there be a consideration, is void.

In great undertakings, where there are many partners, notwithstanding the old age, infirmity, or insanity of one of the partners, the business may still be carried on for the benefit of the family; but in smaller concerns, if a son ostensibly appears as the proprietor and conductor of the business, and the father, to whom the business actually belongs, is superannuated, and incapable of conducting it, the son is liable on contracts connected with the business. 1 *Eqm. Rep.* 320.

**TRAVELLING and TRAVELLERS.** This subject, which may be deemed important from the extensive operations of foreign commerce, may be considered with respect to the accommodation and security the traveller has a right to expect from the innkeeper, his duties with respect to horses, &c. hired for the journey, the accidents to which he is liable on the road, and the public roads or highways.

Every person hanging out a sign and receiving guests, is to be deemed an inn-keeper, and shall be responsible for their goods while they remain his guests; and if he refuse to entertain either man or horse, unless room, he will be liable to an action.

In return for such responsibility, the law allows him to retain the horse of his guest until paid for his keep; but he cannot retain such horse for the bill of the owner, although he may retain his goods for such bill; neither can he detain one horse for the food of another, 1 *Bulst.* 207. 217; but a livery stable-keeper cannot detain a horse for his keep. *Eqm. N.P.*

An inn-keeper, however, is not bound to receive the horse unless the master lodge there also, 2 *Lewin*, 254; nor is he bound to furnish provisions unless paid beforehand. 9 *C.* 876.

Where an inn-keeper gives public notice that he will not be responsible for goods beyond a certain value, unless such goods are deposited in his custody, he will be exonerated from all responsibility in case of loss. *Bl. Rep.* 298.

If an inn-keeper make out unreasonable bills, he may be indicted for extortion; and if either he or any of his servants knowingly sell bad wine or bad provisions, they will be responsible in an action of deceit.

With respect to hired horses, the traveller is bound to use them with all due care, otherwise he will be responsible to the owner for any damages occasioned by negligence.

*Accidents to which travellers are liable.* These are larceny or private theft, and robbery, being a theft accompanied by violence. For either of these losses, if committed between sun-rise and sun-set, the traveller may recover his property by suing the hundred.

By stat. 24 Hen. VIII. any person is justified in killing a person attempting to commit a robbery or murder; and a servant may beat and kill a man in defence of his master, if he cannot otherwise save his life.

By stat. 4 and 5 W. and M. c. 8, persons taking and prosecuting any highwayman to conviction, shall receive a reward of 40l. and the arms, goods, money, &c. belonging to such highwayman.

Another accident to which travellers are liable is that of loss; and if any person find goods belonging to another, such goods will still remain the property of the owner, unless, indeed, where they have been disposed of by sale in market overt.

*Highways.* By stat. 13 G. III. c. 78, trees, &c. are not to stand within 15 feet of the centre of the

highway, except for ornament, shelter, &c. The hedges and trees are to be cut and pruned. Ditches and drains are to be made sufficiently deep for keeping the high roads dry, and bridges erected for rendering them at all times passable. Where several high roads meet, proper direction posts shall be erected; and where the highways are subject to floods, graduated stones or posts shall be placed, denoting the depth of water in the deepest part, and all necessary directions for guiding travellers in the best and safest track.

To prevent accidents from negligence of drivers, &c. on the road, and to ascertain the parties offending, it is enacted by stat. 13 G. III. c. 78, that the names of the owner shall be painted upon all carriages, chaises, &c. under penalty of 5l.; and by s. 60 of the same act, drivers of carts, drays, waggons, &c. riding upon such carriages in any street or highway, not having some other person on foot or on horseback to guide the same (carriages conducted by persons holding the reins of the horse drawing the same excepted), or by negligence or wilful misbehaviour causing any hurt or damage to any person passing; going beyond the fences inclosing the highway, or wilfully being at such distance that the person cannot have the direction of the horses or cattle drawing the same, or by negligence preventing or interrupting the passage of any carriage; or if the driver of any empty or unloaded carriage shall refuse to turn aside and make way for another coach, chariot, &c. or driving any coach, chaise, carriage, &c. without the owner's name painted thereon, or refusing to discover the true christian name of the owner; such driver, if the owner, shall forfeit 20s. for every such offence, and, if not the owner, may be committed to the house of correction for one month. And any person may apprehend such driver offending as above with or without a warrant. Offender to be delivered to a constable, taken before a magistrate, and refusing to discover his name, may be committed for three months to the house of correction. See *Borrowing, Carriage, Hiring, Loss, Sale*.

**TREATIES.** *Treaties of Alliance.* These are either simply defensive, or offensive and defensive. In the former, the allies engage to assist each other in case either should be attacked, or in danger of an attack

from some other power; in the latter they promise to assist each other both in attack and defence. They are sometimes general, as to all wars in which either of the contracting parties may be engaged; or particular, when directed against a particular power, or confined to a specific war. Each of these varies according to circumstances and the agreement of the parties.

*Treaties of Subsidy*, are not to be confounded with treaties of alliance; they are merely conventions, whereby one power, in consideration of certain sums, engages to provide a specific number of troops, &c. to be in the pay and service of another power, under particular conditions and stipulations. The subsidized power takes the name of auxiliary, who has no right to share in the booty or conquests, and his troops are generally under the entire disposal of the principal.

In a war carried on in common, the allies act in concert in the conduct of all the military operations, and ought to divide amongst them the booty and conquests made by their common force. The right of *pactum* ought to be strictly observed between them. No ally is justifiable in making a separate peace or declaring himself neuter, unless necessity obliges him so to do, or that the other ally has failed in his engagements, or refuses to make peace when the enemy offers to do it on equitable terms.

**COMMERCIAL TREATIES.** *Russia.* By the treaty made between Britain and Russia, in 1797, it is in substance stipulated, that the subjects of both countries shall have full liberty of navigation and commerce in all the states situated in Europe, where navigation is permitted, or shall hereafter be permitted to any other nation. They shall have the same leave to enter, trade, load, and unload, though there should be among their crews subjects of some other nations; and that they shall be received and treated as the subjects of the most favoured nations: neither sailors nor passengers shall be compelled by the other power to serve against their will; and if a servant or sailor desert, he shall be restored. They may purchase stores, and all sort of things they may want at the current price; repair and refit their ships, vessels, and carriages; buy all sorts of provisions necessary for the voyage; stay or depart at pleasure, without molestation or hindrance. Russian ships

ships at sea, met by English ships, shall not be hindered, provided that in the British seas they conform themselves to custom; but all assistance shall be lent them, both in the ports subject to Great Britain, and in the open sea.

Subjects of Great Britain may carry by water and by land, in their ships or carriages, or such as they may have hired, into whatever province of Russia they please, all goods not forbidden to enter, and may keep, sell, or exchange them wholesale, without being obliged to become citizens of the place where they may reside. By selling wholesale is understood one or more bales of goods, chests, casks, barrels, also several dozen of small articles of merchandize of the same kind, collected in the same place, and in considerable lots, or other sorts of package; and the subjects of Russia may enjoy the same privileges in Great Britain and Ireland: and in respect to the entry of goods, it extends equally to productions of the Asiatic provinces, provided they are not such as are already forbidden. They may become citizens of any city where they reside and trade; may buy and transport out of the kingdom all merchandize which the subjects of any other nation may buy and transport, particularly gold and silver, wrought and unwrought, except in coin.

It is understood that no privilege is to be contrary to the established law of the country. They shall respectively pay the same duties as the subjects of the country, whether on exportation or importation, whether in Russian or in British vessels; and no regulation shall be made by either power in favour of its own subjects, which the other shall not enjoy, and that understood *bona fide*, under whatever name or form it may be, in such manner as that the subjects of one of the powers shall have no advantage over those of the other in their respective dominions.

The subjects of the high contracting parties shall not pay higher duties on exportation or importation, than the subjects of other nations; but to prevent defrauds on the custom-house, in case of discovery of such defrauds, the merchandizes shall be confiscated, and the merchants convicted of contrabanding shall be subjected to the fine established by law in such cases.

The subjects of either power may go, come, and

trade freely in the states with which the other is or may be at war, provided they do not carry ammunition to the enemy, with the exception of places actually blockaded or besieged, whether by sea or land: with respect to the searching of merchant ships, those searching shall conduct themselves as favourably as the course of war will permit, observing as much as possible the acknowledged principles and rules of the law of nations.

All cannons, mortars, fire-arms, pistols, bombs, grenades, ball, bullets, muskets, musket flints, matches, powder, saltpetre, sulphur, cutlasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, equipage, and passengers, shall be esteemed warlike provisions, and if found shall be confiscated; but neither the ships, passengers, nor other merchandisc found at the same time, shall be detained or prevented from going the voyage.

In case of the unfortunate event of war between the parties, neither persons, ships, nor goods shall be detained or confiscated, but one year shall be allowed for removing or selling the same; and such goods as they do not carry away or sell they may consign, as well as the debts they may have to claim, to whom they please; which debts shall be recoverable the same as if no rupture had taken place. In case of shipwreck on either coast, all assistance to be given, and goods restored. British merchants may build, buy, hire, sell, and let houses in all parts of Russia, excepting in those towns where there are particular rights of citizenship; and it is expressly stipulated, that at St. Petersburg, Moscow, Archangel, Riga, Narva, as well as in all ports of the Black Sea, houses, which British merchants shall have purchased or built, shall be exempt, as long as they reside in them, from having soldiers quartered on them; but such as they let to hire shall be subject to all city taxes: in other parts of Russia they shall not be exempt. Subjects of Russia may build, buy, sell, or hire houses in Britain and Ireland. The subjects of both countries shall freely enjoy their religions; and may leave by will their property as they think proper.

Passports shall be granted to British subjects wishing to quit Russia, after publishing their names and abodes in the Gazette, according to the present custom,

without their being obliged to give security; and if there does not appear a just cause for detaining them, they shall be allowed to go, after providing themselves with passports. The same facility shall, according to custom, be granted to Russian merchants in Britain. In law, such British merchants shall not be under any other jurisdiction than that of the college of commerce; but if at a distance from any city where there is one, then they shall go before the magistrates. Russian merchants in Britain shall have reciprocally the same protection and justice, according to the laws of the kingdom.

Merchants in neither country to be obliged to shew their books or papers, except in courts of justice; nor shall their books and papers be taken or detained. If a British merchant becomes bankrupt at St. Petersburg, the affair shall be under jurisdiction of the college of commerce, or of one to be established for judging of commercial affairs; and in other cities at a distance, under that of the magistrates. If, however, British merchants, resolved not to become bankrupts, should refuse to pay their debts, either into the banks of his imperial majesty, or to individuals, part of their effects, sufficient to pay, may be arrested; or in case the effects do not prove sufficient, then the person may be arrested, until a majority of the creditors, both in number and value, consent to liberate them. Effects are to remain in the hands of those who shall be appointed by the majority of claimants, both in number and value. The persons so appointed shall be obliged to appraise the goods as soon as possible, and to make a just and equitable distribution. The same course shall be pursued with Russian merchants in Great Britain.

In case of law-suits, three persons of competent mercantile knowledge are to decide. Regulations are to be made, in order to prevent abuses in the packing of leather, hemp, or flint; and if any disputes arise between the purchaser and seller, respecting the weight and tare of the merchandize, then the custom-house shall decide it according to equity.

The subjects of the two powers may assemble together, in their respective dominions, with their consul, as a factory; and make such arrangements amongst themselves as they shall judge proper, provided they are not contrary to law.

The treaty to last eight years, reckoning from the expiration of the convention concluded between the nations on the 25th of March 1793; which term being elapsed, they may agree together to renew or prolong it.

The substance of the treaty between this country and Russia, signed at St. Petersburg 5-17 June 1801, is as follows:

His Britannic majesty and his imperial majesty of all the Russias having resolved to place under a sufficient safeguard the freedom of commerce and navigation of their subjects, in case one of them shall be at war, whilst the other shall be neuter, have agreed:—

1. That the ships of the neutral power may navigate freely to the ports, and upon the coasts of the nations at war.

2. That the effects embarked on board neutral ships shall be free, with the exception of contraband of war, and of enemy's property; and it is agreed not to comprise under the denomination of the latter, the merchandize of the produce, growth, or manufacture of the countries at war, which should have been acquired by the subjects of the neutral power, and should be transported for their account, which merchandize cannot be excepted in any case from the freedom granted to the flag of the said power.

3. That in order to avoid all equivocation and misunderstanding of what ought to be considered as contraband of war, his Britannic majesty and his imperial majesty of all the Russias, declare, conformably to the 11th article of the treaty of commerce concluded between the two crowns on the 10th days of February 1797, that they acknowledge as such the following articles only, viz. cannons, mortars, fire arms, pistols, bombs, grenades, balls, bullets, firelocks, flints, matches, gunpowder, saltpetre, sulphur, cutlasses, pikes, swords, sword belts, knapsacks, saddles and bridles, excepting, however, the quantity of the said articles which may be necessary for the defence of the ship and of those who compose the crew; and all other articles whatever not enumerated here shall not be reputed warlike and naval stores, nor be subject to confiscation, and of course shall pass freely, without being subjected to the smallest difficulty, unless they be considered enemy's property in the



sense above specified. It is also agreed, that that which is stipulated in the present article shall not be prejudicial to the particular stipulations of one or the other crown with other powers, by which articles of a similar kind should be reserved, prohibited, or permitted.

4. That in order to determine what characterises a blockaded port, that denomination is given only to a port where there is, by the dispositions of the power which attacks it with ships stationary, or sufficiently near, an evident danger in entering.

5. That the ships of the neutral power shall not be stopped but upon just causes and evident facts: that they be tried without delay, and that the proceeding be always uniform, prompt, and legal.

In order the better to ensure the respect due to these stipulations, the high contracting parties renew the severest prohibitions to their captains, whether of ships of war or merchantmen, to take, keep, or conceal on board their ships, any of the articles which, in the terms of the present convention, may be reputed contraband, and respectively to take care of the execution of the orders which they shall have published in their admiralties, and wherever it shall be necessary.

To prevent all subject of discussion in future, the right of search of merchant ships going under convoy is limited to those cases only, in which the belligerent power might experience a real prejudice by the abuse of the neutral flag, and it is agreed,

1. That the right of searching merchant ships belonging to the subjects of one of the contracting powers, and navigating under convoy of a ship of war of the said power, shall only be exercised by ships of war of the belligerent party, and shall never extend to letters of marque, privateers, or other vessels, which do not belong to the royal or imperial fleet of their majesties, but which their subjects shall have fitted out for war.

2. That the proprietors of all merchant ships belonging to the subjects of one of the contracting sovereigns, which shall be destined to sail under convoy of a ship of war, shall be required, before they receive their sailing orders, to produce to the commander of the convoy, their passports and certificates, or sea letters, in the form annexed to the present treaty.

3. That when such ship of war, having under convoy merchant ships, shall be met with by a ship or ships of war of the contracting party, who shall then be in a state of war, in order to avoid all disorder, they shall keep out of cannon shot, unless the state of the sea, or the place of meeting, render a nearer approach necessary; and the commander of the ship of the belligerent power shall send a boat on board the convoy, where they shall proceed reciprocally to the verification of the papers and certificates that are to prove on one part, that the ship of war is authorized to take under its escort such or such merchant ships of its nation, laden with such a cargo, and for such a port; on the other part, that the ship of war of the belligerent party, belongs to the royal or imperial fleet of their majesties.

4. This verification made, no search shall take place, if the papers are found in form, and if there exists no good motive for suspicion. In the contrary case, the commander of the neutral ship of war (being duly required thereto by the commander of the ship or ships of war of the belligerent power) is to bring to and detain his convoy during the time necessary for the search of the ships which compose it, and he shall have the faculty of naming and delegating one or more officers to assist in the search of the said ships, which shall be done in his presence on board each merchant ship, conjointly with one or more officers appointed by the commander of the ship of the belligerent party.

5. If it happen that the commander of the ship or ships of the power at war, having examined the papers found on board, and having interrogated the master and crew of the ship, shall see just and sufficient reason to detain the merchant ship in order to proceed to an ulterior search, he shall notify such intention to the commander of the convoy, who shall have the power to order an officer to remain on board the ship thus detained, and to assist at the examination of the cause of her detention. The merchant ship shall be carried immediately to the nearest and most convenient port belonging to the belligerent power, and the ulterior search shall be carried on with all possible diligence.

It is in like manner agreed, that if any merchant ship thus convoyed should be detained without just

and sufficient cause, the commander of the ship or ships of war of the belligerent power shall not only be bound to make to the owners of the ship and of the cargo, a full and perfect compensation for all the losses, expenses, damages, and costs, occasioned by such a detention, but shall moreover undergo an ulterior punishment for every act of violence or other fault which he may have committed, according as the nature of the case may require. On the other hand, the conveying ship shall not be permitted, under any pretext whatsoever, to resist by force the detention of the merchant ship or ships by the ship or ships of war of the belligerent power; an obligation to which the commander of a ship of war with convoy is not bound to observe towards letters of marque and privateers.

Precise and efficacious orders shall be given that the judgments upon prizes made at sea, shall be conformable with the rules of the most exact justice and equity; that they shall be given by judges above suspicion, and who shall not be interested in the affair in question. The government of the respective states shall take care that the said decisions shall be speedily and duly executed, according to the forms prescribed. And in case of an unfounded detention, or other contravention to the regulations stipulated by the present article, the owners of such ship and cargo shall be allowed damages proportioned to the loss occasioned thereby. The rules to observe for these damages, and for the case of unfounded detention, as also the principles to follow for the purpose of accelerating the process, shall be the matter of additional articles, which the contracting parties agree to settle between them, and which shall have the same force and validity as if they were inserted in the present act. For this effect, their Britannic and imperial majesties mutually engage to put their hand to the salutary work, which may serve for the completion of these stipulations, and to communicate to each other, without delay, the views which may be suggested to them by their equal solicitude to prevent the least grounds of dispute in future.

To obviate all the inconveniencies which may arise from the bad faith of those who avail themselves of the flag of a nation without belonging to it, it is agreed to establish for an inviolable rule, that any

vessel whatever, in order to be considered as the property of the country the flag of which it carries, must have on board the captain of the ship, and one half of the crew of the people of that country, and the papers and passports in due and perfect form; but every vessel which shall not observe this rule, and which shall infringe the ordinances published on that head, shall lose all right to the protection of the contracting powers.

The principles and measures adopted by the present act shall be alike applicable to all the maritime wars in which one of the two powers may be engaged, whilst the other remains neutral. These stipulations shall in consequence be regarded as permanent, and shall serve for a constant rule to the contracting powers in matters of commerce and navigation.

His majesty the king of Denmark, and his majesty the king of Sweden, shall be immediately invited by his imperial majesty, in the name of the two contracting parties, to accede to the present convention, and at the same time to renew and confirm their respective treaties of commerce with his Britannic majesty; and his said majesty engages, by acts which shall have established that agreement, to render and restore to each of these powers, all the prizes that have been taken from them, as well as the territories and countries under their dominion, which have been conquered by the arms of his Britannic majesty since the rupture, in the state in which those possessions were found at the period at which the troops of his Britannic majesty entered them. The orders of his said majesty for the restitution of those prizes and conquests shall be immediately expedited after the exchange of the ratifications of the acts by which Sweden and Denmark shall accede to the present treaty.

The following new articles have been added to the above treaty, viz.

When a vessel shall be detained without lawful cause, the owners shall be entitled to an indemnity for each day of detention.

In case of discontent relative to condemnation of prizes, disputes to be carried before the senate in Russia, or their privy council in England, to be decided without loss of time.

Prizes shall neither be sold nor discharged before judgment.

No neutral ship shall in time of war receive merchandizes in the colonies of any belligerent power in order to transport them to the continent.

The subjects of the neutral powers shall, however, enjoy the same advantages as those of the most favoured states.

The above treaty, with the additional articles, have been ratified by the northern powers.

PORTUGAL. By a treaty between Great Britain and Portugal, of the 27th of December 1703, the following were the most essential provisions agreed upon.

1. His sacred royal majesty of Portugal promises, both in his own name and that of his successors, to admit, for ever hereafter into Portugal, the woollen cloths, and the rest of the woollen manufactures of the Britons, as was accustomed till they were prohibited by the laws: nevertheless, upon this condition,

2. That is to say, that her sacred royal majesty of Great Britain shall in her own name, and that of her successors, be obliged for ever hereafter to admit the wines of the growth of Portugal into Britain; so that at no time, whether there shall be peace or war between the kingdoms of Britain and France, any thing more shall be demanded for these wines, by the name of custom or duty, or by whatsoever other title, directly or indirectly, whether they shall be imported into Great Britain in pipes or hogsheads, or other casks, than what shall be demanded from the like quantity or measure of French wine, deducting or abating a third part of the custom or duty: but if at any time this deduction or abatement of customs, which is to be made as aforesaid, shall in any manner be attempted and prejudiced, it shall be just and lawful for his sacred royal majesty of Portugal again to prohibit the woollen cloths, and the rest of the British woollen manufactures.

The above treaty was guaranteed by George I. dated May 3, 1715.

FRANCE. The substance of the treaty entered into at Amiens, on the 27th of March 1802, between his majesty the king of Great Britain, and the first consul of France, the king of Spain, and Batavian or Dutch republic, is, so far as relates to important matters, to the following effect:

After agreeing that there shall be peace and amity established, and that every thing shall be avoided tending to create dissention, it is stipulated by articles 3, 4, and 5, that England shall restore to the French and their allies, every place conquered by British forces, except the island of Trinidad belonging to Spain, and the Dutch possession in the island of Ceylon, which the respective powers cede and guarantee to Great Britain. By article 6, the Cape of Good Hope is to be given up to the Dutch, but all ships belonging to the contracting parties shall have a right to put in there, and purchase such supplies as they may stand in need of, as heretofore, without paying any other duties than those to which the ships of the Batavian republic are subjected. The 7th article preserves entire the dominions of Portugal, except that the river Arawari shall be the boundary between French and Portuguese Guiana, the navigation of the river being free to both nations, and all the north remaining to France. The treaty of Badajoz is considered as determining the then existing limits of Portugal in Europe. 8. The territories of the Ottoman Porte are maintained in their integrity. 9. The republic of the Seven Islands is acknowledged. 10. Restores Malta, Gozo, and Comino, to the order of St. John of Jerusalem, to hold as before, subject to the following conditions:

1. The knights of the order, whose *langues* shall continue to subsist after the exchange of the ratifications of the present treaty, are invited to return to Malta as soon as that exchange shall have taken place. They shall there form a general chapter, and shall proceed to the election of a grand master, to be chosen from amongst the natives of those nations which preserve *langues*, if no such election shall have been already made since the exchange of the ratifications of the preliminary articles of peace; an election which shall have been made subsequent to that period, shall alone be considered as valid, to the exclusion of every other which shall have taken place at any time previous to the said period.

2. In order to preserve the independence of the order, there shall be henceforth no English nor French *langues*; and no individual belonging to either of the said powers, shall be admissible into the order.

3. A Maltese langue shall be established, to be supported out of the land revenues and commercial duties of the island. The municipal, revenue, civil, judicial, and other offices under the government of the island, shall be filled, at least in the proportion of one half, by native inhabitants of Malta, Gozo, and Comino.

4. The forces of his Britannic majesty shall evacuate the island and its dependencies within *three months* after the exchange of the ratifications, or sooner if it can be done: at that period the island shall be delivered up to the order in the state in which it now is, provided that the grand master, or commissioners, fully empowered according to the statutes of the order, be upon the island to receive possession; and that the force to be furnished by his Sicilian majesty, as hereafter stipulated, be arrived there.

The garrison of the island shall consist of at least one half of native Maltese. The native Maltese troops shall be officered by Maltese, and the supreme command of the garrison, as well as the appointment of the officers, shall be vested in the grand master of the order.

The independence of the islands of Malta, Gozo, and Comino, as well as the present arrangement, shall be under the protection and guarantee of Great Britain, Prussia, Austria, Russia, Spain, and Prussia.

The island to preserve a perpetual neutrality. The ports to be open on equal and moderate duties to ships of all nations, except the Barbary States, until all the differences are settled between them and the knights. His Sicilian majesty to be invited to furnish 2000 men, natives of his dominions, to garrison Malta, and to remain for one year after the knights take possession, or longer if they do not raise a force sufficient of themselves, or until relieved by another force, supplied by the powers already named.

By article 12, all evacuations, cessions, and restitutions, to take place in Europe in one month; in Africa and America in three months, and in Asia in six. By the 13th, three years are allowed to the inhabitants of whatever condition or nation, for disposing of their property, during which time they are to have free exercise of religion, and enjoyment of property; and farther that no persons are to suffer molestation on any pretext on account of political opinions or attachments, except on account of debts

to individuals, or on account of acts posterior to the treaty.

All sequestrations imposed by any of the parties on the funded property, revenues, or debts of whatever description, belonging to any of the contracting powers, or to their subjects or citizens, shall be taken off immediately after the signature of this definitive treaty. The decision of all claims brought forward by individuals, the subjects or citizens of any of the contracting powers respectively, against individuals, subjects or citizens of any of the others, for rights, debts, property, or effects whatsoever, which, according to received usages and the law of nations, ought to revive at the period of peace, shall be heard and decided before competent tribunals; and in all cases prompt and ample justice shall be administered in the countries where the claims are made.

By article 15, the fisheries on the coast of Newfoundland, and of the adjacent islands, and of the gulf of St. Lawrence, are replaced on the same footing on which they were previous to the war; the French fishermen and the inhabitants of St. Pierre and Miquelon shall have the privilege of cutting such wood as they may stand in need of in the bays of Fortune and Despair, for the space of one year from the date of the notification of the present treaty.

The contracting parties shall, on requisitions made by them respectively, deliver up to justice persons accused of crimes of murder, forgery, or fraudulent bankruptcy, committed within the jurisdiction of the requiring party; provided that this shall be done only when the evidence of the criminality shall be so authenticated as that the laws of the country where the person so accused shall be found, would justify his apprehension and commitment for trial, if the offence had been there committed; the expences of which shall be borne by those who make the requisition.

Turkey is requested to accede to the above treaty.

By an official note, dated 23 July 1802, the imperial court engages, that the same treatment shall be observed towards English merchant ships, coming to the Black Sea for the purposes of trade, as is offered to the powers most favoured by the Sublime Port.

As a treaty of commerce with France may yet come in serious question, it has been thought proper to give the following brief abstract of the last, although it is no longer in existence.



*The treaty of navigation and commerce between his Britannic Majesty, and the Most Christian King, signed 26th September, 1786.*

There shall be a reciprocal and entire perfect liberty of navigation and commerce between the subjects of each party, in all and every the kingdoms, states, provinces, and territories, subject to their majesties, in Europe, for all and singular kinds of goods in those places, upon the conditions, and in such manner and form as is settled and adjusted in the following articles:

The subjects of each of their said majesties may have leave and licence to come with their ships, as also with the merchandizes and goods on board the same, to resort thereto, and to remain and reside there, without any limitation of time; also to hire houses. Neither are they to be burthensd with any impositions or duties on account of the said freedom of trade, or for any other cause whatsoever, except those which are to be paid for their ships and merchandizes conformably to the regulations of the present treaty. And they shall have free leave to remove themselves, as also their wives, children, and servants, together with their merchandizes, property, goods, or effects, wherever they shall think fit. In matters of religion, the subjects of the two crowns shall enjoy perfect liberty.

The 6th article settles the following tariff:

1. The wines of France, imported directly from France into Great Britain, shall in no case pay any higher duties than those which the wines of Portugal now pay.

The wines of France, imported directly from France into Ireland, shall pay no higher duties than those which they now pay.

2. The vinegar of France, instead of 67l. 5s. 3d. and twelve-twentieths of 1d. sterling, per ton, which they now pay, shall not for the future pay in Great Britain any higher duties than 32l. 18s. 10d. and sixteen-twentieths of 1d. sterling, per ton.

3. The brandies of France, instead of 9s. 6d. and twelve-twentieths of 1d. sterling, shall for the future pay in Great Britain only 7s. sterling per gallon, making four quarts, English measure.

4. Oil of olives, coming directly from France,

shall for the future pay no higher duties than are now paid for the same from the most favoured nations.

5. Beer shall pay reciprocally a duty of 30 per cent. *ad valorem*.

6. The duties on hardware, cutlery, cabinet ware, and turnery, and also all works, both heavy and light, of iron, steel, copper, and brass, shall be classed; and the highest duty shall not exceed 10 per cent. *ad valorem*.

7. All sorts of cottons manufactured in the dominions of the two sovereigns in Europe, and also woolsens, whether knit or wove, including hosiery, shall pay, in both countries, an import duty of 12 per cent. *ad valorem*; all manufactures of cotton or wool, mixed with silk, excepted, which shall remain prohibited on both sides.

8. Cambrics and lawns shall pay, in both countries, an import duty of 5s. or six livres Tournois, per demi piece of seven yards and three quarters, English measure; and lincins, made of flax or hemp, manufactured in the dominions of the two sovereigns in Europe, shall pay no higher duties, either in Great Britain or France, than lincins manufactured in Holland or Flanders, imported into Great-Britain, now pay.

And lincins made of flax or hemp, manufactured in Ireland or France, shall reciprocally pay no higher duties than lincins manufactured in Holland, imported into Ireland, now pay.

9. Sadlery shall reciprocally pay an import duty of 15 per cent. *ad valorem*.

10. Gauzes of all sorts shall reciprocally pay 10 per cent. *ad valorem*.

11. Millinery made up of muslin, lawn, cambric, or gauze of every kind, or of any other article admitted under the present tariff, shall pay reciprocally a duty of 12 per cent. *ad valorem*; and if any articles shall be used therein which are not specified in the tariff, they shall pay no higher duties than those paid for the same articles by the most favoured nations.

12. Porcelain, earthen-ware, and pottery, shall pay reciprocally 12 per cent. *ad valorem*.

13. Plate-glass, and glass-ware in general, shall be admitted on each side, paying a duty of 12 per cent. *ad valorem*.

His Britannic majesty reserves the right of countervailing, by additional duties on the undermentioned merchandizes, the internal duties actually imposed upon the manufactures, or the import duties which are charged on the raw materials; namely, on all linens or cottons, stained or printed, on beer, glass-ware, plate-glass, and iron.

And his most christian majesty also reserves the right of doing the same, with regard to the following merchandizes; namely, cottons, iron, and beer.

The duties above specified are not to be altered but by mutual consent; and the merchandizes not above specified shall pay, in the dominions of the two sovereigns, the import and export duties payable in each of the said dominions by the most favoured European nations, at the time the present treaty bears date; and the ships belonging to the subjects of the said dominions shall also respectively enjoy therein all the privileges and advantages which are granted to those of the most favoured European nations.

*Treaty of peace between the French Republic and the Kingdom of Portugal.* The first consul of the French republic, in the name of the French people, and the prince regent of the kingdom of Portugal, equally desirous of restoring the connexions of amity and commerce, which subsisted between the two states before the war, have resolved to conclude a peace, by the mediation of his catholic majesty, and have appointed their plenipotentiaries. The plenipotentiaries having exchanged their full powers, agree to the following articles.

Art. 1. There shall always be peace, amity, and good understanding between the French republic and the kingdom of Portugal. All hostilities shall cease, &c.

4 The limits between the two Guianas (French and Portuguese) shall in future be determined by the river Carapanatuba, which falls into the river of the Amazons at about a third of a degree from the equator. These limits are to follow the course of the river up to its source; from thence they shall turn towards the great chain of mountains which divide the rivers; they shall then follow the bendings of that chain of mountains to the point where they come the nearest to Rio Branco, about two degrees and one-third north of the equator. The Indians of

the two Guianas, who have been carried from their habitations, shall be mutually restored. The citizens and subjects of the two powers, who are comprized in the new demarkation of limits, may retire into the territories of their respective states. They are also to be allowed to dispose of their property, real or personal, within two years after the exchange of the ratifications of the present treaty.

5. A treaty of commerce shall be negotiated between the two powers, to establish, in a definitive manner, the commercial relations between France and Portugal. In the mean time it is agreed upon,

Secondly, that the citizens and subjects of the two powers shall equally and reciprocally enjoy in the states of both all the rights which those of the most favoured nations enjoy.

Thirdly, that the commodities of merchandise produced from the soil or manufactures of each of the two powers, shall be admitted reciprocally, without restriction, and without being liable to any duty which would not equally affect the commodities and merchandise of a similar nature imported by other nations.

Fourthly, that the French cloths may be immediately imported into Portugal on the footing of the most favourable merchandise.

Fifthly, that in other points, all the stipulations inserted in the preceding articles, and not contrary to the present treaty, shall be provisionally executed until the conclusion of a treaty of definitive commerce.

Executed in duplicate the 7th Vendémiaire, in the 10th year of the French republic (20th September, 1801).

(Signed)

Lucien Bonaparte.

Cipriano Bibero Freire.

*Substance of the definitive treaty between Britain and the United States of America, 3d Sept. 1783.* After acknowledging the said United States as independent, and settling the boundaries, it is agreed, that the people of the United States shall continue to enjoy the right to take fish of every kind on the Grand Bank and all the banks of Newfoundland, also in the Gulph of St. Lawrence, and all other places in the sea where the inhabitants of both countries used heretofore to fish; and also to take fish in every such part of the coast

coast of Newfoundland as British fishermen shall use (but not to dry or cure their fish on the island); and also on the coasts, bays, and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen may dry and cure fish in any of the unsettled bays, creeks, or harbours of Nova Scotia, Magdalen Island, and Labrador, so long as the same shall remain unsettled, but no longer, without a previous agreement for that purpose with the proprietors or possessors of the ground. Creditors on either side are to meet with no lawful impediments in the recovery of the full value of their debts.

It is agreed that all persons who have an interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just claims. The navigation of the Mississippi river, from its source to the ocean, shall remain free for ever to the subjects of Great Britain and the citizens of the United States.

Since the above treaty, by which the United States obtained an acknowledgment of their independence, another, to the following purpose, was passed 19th November, 1794.

*Abstract of the treaty between Great Britain and the United States of America, 19th Nov. 1794.* This treaty consists of 28 articles.

The first article establishes peace and friendship between his Britannic majesty and the United States.

In the second, his majesty consents to withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States.

The third article allows to his majesty's subjects and the citizens of the United States, and to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation into the respective territories of the two parties. The country within the limits of the Hudson's Bay Company is excepted. Vessels belonging to the United States are not to be admitted into the ports of his majesty's said territories, nor British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The navigation of the Mississippi, however, is to be entirely free. Goods and merchandise shall be

conveyed into the territories of his Britannic majesty by American citizens, and into the territories of the United States by British subjects, subject to the regulations established by both parties.

The fourth article relates to the ascertaining of the extent of the Mississippi to the northward.

The fifth article alludes to the doubts that have arisen relative to the river St. Croix, and agrees to refer these doubts to commissioners.

The sixth article allows British subjects the power of recovering debts due to them by American citizens previously to the peace; which debts have not been recovered hitherto, on account of some legal impediments. The United States agree to make full and complete compensation to the creditors who have suffered by those impediments. The amount of the losses and damages is to be ascertained by five commissioners, two to be appointed by Great Britain, two by the president of the United States, and one by the other four.

When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take an oath or affirmation, in the presence of each other, which oath or affirmation being so taken, and duly attested, shall be entered on the record of their proceedings.

The award of the said commissioners, or any three of them as aforesaid, shall in all cases be final and conclusive.

The seventh article allows indemnification by the British government to such of the citizens of the United States as have suffered, during the late war, by irregular or illegal captures. The United States also agree to indemnify British subjects for irregular or illegal captures taken by American ships during the war.

The ninth article permits the subjects of each country to hold lands in either country, and to sell and devise them in the same manner as if they were natives.

In the tenth article it is agreed, that in case of a war, no money belonging to individuals shall be sequestered or confiscated.

The eleventh article establishes a perfect liberty of navigation and commerce between the two countries.

The twelfth article allows the citizens of the United

States to carry the produce of their country to the West Indies, in vessels of not more than 70 tons burthen. The citizens are also allowed to carry away the produce of the islands to the territories of the United States alone. This article is to continue in force for two years after the present war, when further regulations are to be made.

In the thirteenth article his Britannic majesty consents to admit American vessels into the British ports in the East Indies. This consent, however, is not to extend to the carrying on of the coasting trade in the East Indies.

The citizens of the United States are not to reside or go into the interior parts of the East India settlements. They are not to export, in time of war, stores or rice from the East Indies, but may touch at St. Helena for refreshment.

The fourteenth article relates to liberty of commerce and navigation between the dominions of his majesty in Europe, and the territories of the United States in America.

The fifteenth article states, that no higher duties shall be paid by the ships or merchandise of the one party in the ports of the other, than the duties paid by other nations. No higher duties shall be paid upon importation or exportation than the duties paid on the importation or exportation of similar articles the produce of other nations.

The sixteenth article relates to the appointment of consuls for the protection of trade.

The seventeenth article relates to vessels being captured or detained, on suspicion of having enemy's property on board. Such property alone is to be taken out; such vessels are to be permitted to proceed to sea with the remainder of their cargo.

The eighteenth article decides what articles the term contraband can be applied to.

The nineteenth article provides for the security of the respective subjects and citizens, and for the preventing of injuries by men of war.

The twentieth article relates to the refusal of the respective parties to receive pirates into any harbours or towns, and to the seizure of goods and merchandise taken by pirates.

The twenty-first article provides, that the subjects and citizens of the two nations shall not do any acts

of hostility against each other, and shall not accept commissions from foreign states or princes to commit hostilities.

The twenty-second article prevents acts of reprisal without due notice.

The twenty-third relates to the treatment of ships, officers, and crews in the respective ports of the two powers.

The twenty-fourth article provides, that privateers of nations at enmity with either of the two powers, shall not arm their ships in the respective ports of the two powers, or sell what they have taken.

The twenty-fifth allows the ships of war belonging to the said parties to carry the ships and goods, taken from their enemies, whithersoever they please.

In case of war between the two nations, the 26th article permits the merchants and others, of each of the two nations, to reside in the dominions of the other, and to continue their trade.

The twenty-seventh article agrees that the two powers shall respectively deliver up persons charged with murder and forgery.

The twenty-eighth, alluding to the preceding articles, states, that the first ten articles shall be permanent, and that the subsequent articles (the 12th excepted) shall be limited in their duration to 12 years. The treaty is to be binding and obligatory as soon as it is ratified.

*Explanatory article, signed at London, the 15th of March 1798, to be added to the treaty between his Britannic majesty and the United States of America, signed at London, the 19th of November 1794.* Whereas, by the 28th article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States, signed at London on the 19th of November 1794, it was agreed, that the contracting parties would, from time to time, readily treat of and concerning such farther articles as might be proposed; that they would sincerely endeavour so to form such articles as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to, and make a part of that treaty: and whereas difficulties have arisen, with respect to the execution of so much of the fifth article



ticle of the said treaty, as requires, that the commissioners appointed under the same should, in their description, particularize the latitude and the longitude of the source of the river, which may be found to be the one truly intended in the treaty of peace between his Britannic majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient that the said commissioners should be released from the obligation of conforming to the provisions of the said article in this respect: the undersigned being respectively named by his Britannic majesty and the United States of America their plenipotentiaries for the purpose of treating, and concluding such articles as may be proper to be added to the said treaty in conforming to the above-mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare, in the name of his Britannic majesty and of the United States of America, that the commissioners appointed under the fifth article of the said treaty, shall not be obliged to particularize in their description the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is farther agreed, that, as soon as may be after the decision of the said commissioners, measures shall be concerted between the government of the United States and his Britannic majesty's governors or lieutenant-governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides with punctuality and good faith.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications

mutually exchanged, shall be added to, and make a part of the treaty of amity, commerce and navigation between his majesty and the United States, signed at London on the 19th day of November 1794, and shall be permanently binding upon his majesty and the United States.

In witness whereof we, the said undersigned plenipotentiaries of his Britannic majesty and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms. Done at London this 15th day of March 1798.

**TRIAL**, the proceeding of a court of law, when the parties are at issue, such as the examination of witnesses, &c. to enable the court, deliberately weighing the evidence given on both sides, to draw a true conclusion, and administer justice accordingly.

**TRIESTE**, one of the few sea-ports that belong to Germany, on the Gulph of Trieste, which is a part of the Adriatic Sea, or Gulph of Venice. It has been a free port ever since the year 1719; but its being near Venice, and on account of the small size of the harbour, it has never carried on much commerce. This last defect, however, was in a great measure remedied about 50 years ago, since which time Trieste has become a place of considerably greater importance than before. Its principal business is that of agency for houses in the interior of Germany, Austria, Hungary, Switzerland, &c. By sea its connection is with the Levant; and in all, its trade is calculated to amount to about 800,000*l.* per annum.

**TRINITY-HOUSE**, a college belonging to a company or corporation of seamen, who are empowered by charter to take cognizance of those who destroy sea marks, to regulate the rates of ballastage, pilots, lighthouses, &c. See *Ballastage, Lighthouses, Pilots*.

**TROVER**, is the remedy prescribed by the law, where any person is in possession of the property of another, which he unlawfully detains. Previous to commencing this action, a demand of the property so detained must be made in writing by some person properly authorized by the owner of the property; and upon refusal to restore it, the law presumes an unlawful

unlawful conversion; and the party is entitled to this action, and will recover damages to the value of the property detained. As trover implies trespass, the smallest damages will carry costs. A similar action may be brought for the unlawful detention of any property on which the specific articles so detained may be recovered; but as the articles detained must be precisely stated in the declaration, and is attended with some difficulty, this action is very seldom brought.

**TUNIS**, a city in the north of Africa, situated almost on the same spot where ancient Carthage, the queen of the sea, once stood. The productions of the territory of Tunis consist of corn, oil, silk, leather, skins, fruits, wool, and horses. Its manufactures are those of hosiery, tapestry, cloth, and silk stuffs of various sorts. It has an interior trade carried on by caravans; and sends European manufactures up the country in exchange for gold dust, silk, and other productions, which arrive by those conveyances.

**TURKEY**, an empire of great extent, and including some of the most fertile and fine countries in Europe, as well as in Asia and Africa. The number of inhabitants is variously stated, but may probably amount to 25,000,000. When Rome was destroyed, civilization and the arts were confined to Constantinople, and those parts of what is now called Turkey, that composed the eastern empire; but by degrees Venice and Genoa became her rivals, and divided with her the commerce of the world, and particularly that between Europe and India.

The soil and productions of this great country are very various; the ground, in general, is fertile, but not well cultivated. The productions for foreign commerce consist of silk, wool, cotton spun and unspun,

lint, wax, oil, goats and camels hair, cattle, a variety of drugs, as also timber. Arabia Felix borders on Turkey, which draws from it a number of perfumes and coffee, which come by the Red Sea to Grand Cairo, whither merchants from all countries were sent to purchase the productions of Arabia and India, before the discovery of the passage by the southern point of Africa.

European nations send to Turkey quicksilver, draperies, hardwares, cutlery, mirrors, and other glass; glass beads, toys and trinkets, vitriol, metal, wire, the sugars and other productions of the West Indies; fish, tin, powder, arms, &c. &c. The English, French, Italians, and Dutch engross the whole of the trade; but the Turks are indolent, and neither cultivate commerce nor manufactures with ardour or activity. See *Levant Trade, Aleppo, &c. &c.*

**TURKEY COMPANY.** This company was first established for carrying on the Levant trade. In the time of James the First it obtained a charter, which was confirmed by Charles II.

By statute 26 C. II. c. 18, it was put on its present footing, and enacted, that every subject of Great Britain may be admitted upon proper application, and the payment of 20l. a member of the Turkey company. And all persons free of that company may separately or jointly export from Great Britain to any port or place within the limits expressed in the letters patent, in any British or plantation built ship, navigated according to law, goods not prohibited; or he may import any goods not prohibited from any place within the said limits, conforming to the orders of British ambassadors and consuls.

It is what is termed a regulated company, and has no joint stock, nor joint expenditure.

# V.

## V A L

**V**ALUE, has two different meanings. It sometimes expresses the utility of an object, and sometimes the power of purchasing other goods with it. The first may be called value in use, the other value in exchange. The value in use may be very great, when the value in exchange is little or nothing. Water, for instance, is of great value in use, and of almost none in exchange. A diamond or a pearl has a great value in exchange, but very little in use.

Value in use is a mere *simple* effect, arising from the nature of an object, and its being more or less conducive to the necessities, the comforts, or enjoyments of men. The other value is of a compound nature, composed of the value in use, and the labour necessary to procure the object in question. Values are measured by money, which has become a common standard of comparison for all different commodities. The value of this common standard measure is itself rather value of exchange than of use, for the precious metals are of less utility than iron, brass, and steel, which have, in comparison, a small value in exchange.

In addition to these two species of permanent value, there is to be taken into account a floating or changeable value, which arises from circumstances, from the value in use, and the difficulty of obtaining the quantity necessary. The value in exchange then rises, independent of any other causes but these two. All articles that have a great value in use are liable, more or less, to these variations of value in exchange. Corn and butchers' meat are most liable to these variations; but even water, on particular occasions, has been exchanged for its weight in silver, and a pound of bread for its weight in gold. In a commercial sense, the expence of producing an object settles its value in exchange; and where the value in use is not of that degree that procures for an article the appellation of an article of necessity, values find their level; but they do not always

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do so with objects which have a great value in use. See *Maximum, Money.*

**V**ENICE, a considerable city and state of Italy. The state comprehends 14 provinces, the population of which amounts to about 2,500,000. It is a very ancient free, aristocratical and independent republic; but was conquered by the French during the last war, and ceded by them to the Emperor of Germany.

Venice, which is the capital of the state, is situated on the north-west extremity of the Adriatic, in lat. 45 deg. 25 min. and long. 30 deg. and contains from 130 to 150,000 inhabitants.

Venice was the first commercial city in Europe during the 11th, 12th, 13th, and 14th centuries. Its history is interesting; but in this place its present commercial situation is the object.

The commerce of Venice, which had been continually increasing from the sixth century, had risen to a great height previous to the discovery of the passage by the Cape of Good Hope to India. It was then considered as an universal market for all articles; but at present its commerce only consists in the exports of a few manufactures to the Levant, and the rest of Italy.

Its manufactures consist of cloth, looking-glasses, cloth of gold and silver, paper, laces, hats, ribbons, silk stockings, glass beads of different colours, &c. Jewellery, and gold and silver plate, &c. are worked with considerable dexterity.

The art of dying is one of those which was preserved in the greatest perfection at Venice; and amongst others that of scarlet, which has the peculiar quality of not being liable to be stained, but it is not quite so brilliant as the scarlets of France.

The cutlery ware of England, and other metal manufactures, undersell and surpass those of Venice, as does that of hats.

The principal commerce of Venice now is confined to the Levant and other parts on the border of the

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the Mediterranean Sea. Like all other places that have been great, Venice preserves its ancient modes of preparing goods, as well as of selling them; and is therefore inferior in both to those new countries which have started up in a more perfect and modern style. It is rather a monument of ancient greatness than of modern excellence.

**VERDICT**, is the report of a jury upon a trial; founded upon the evidence produced in court, and is either general or special.

A special verdict is usually found when there is any difficulty or doubt respecting the law, when the jury state the facts as proved, and pray the advice of the court thereon. A less expensive and more speedy mode, however, is to find a verdict generally for the plaintiff, subject nevertheless to the opinion of the judge, or the court above, on a special case, drawn up and settled by counsel on both sides. See

*Evidence, Jury, Trial.*

**VICTUALS.** See *Provisions.*

**VICTUALLING BILLS.** See *Funds.*

**VIENNA**, a great city of Germany, and the capital

## V I N

of the hereditary states of Austria, situated on the Danube, lat. 48 deg. 12 min. long. 34 deg. 42 min. It contains about 250,000 persons. Great efforts have been made by the princes of the house of Austria to render this capital great in point of manufactures; but that of silk remains still the most flourishing, though every different sort found in Europe is to be found there on a greater or a lesser scale. This capital is become a sort of middle point for the commerce of the interior of Germany; but neither its geographical situation, nor the manufactures there established, render it considerable in respect to distant or maritime commerce. There are two fairs in the year; one at Whitsuntide, which lasts three weeks; and the other at St. Catherine's, which lasts a month; they are frequented by most of the dealers and merchants within a circle of 500 miles around in all directions.

**VIRGINIA.** See *United States of America.*

**VOYAGE.** See *Insurance, Marine.*

**VINEGAR and VERJUICE.** See *Excise, Exports, Imports.*

## U.

### U N I

**U**MPIRAGE is where two persons being appointed arbitrators, in consequence of not agreeing in opinion, appoint some third person to decide the difference; the party so appointed is, in such case, termed the umpire, and his determination, the umpirage. See *Awards, Arbitrators.*

**UNION WITH SCOTLAND.** See *Scotland.*

**UNION WITH IRELAND.** See *Ireland.*

**UNITED STATES OF AMERICA**, are bounded on the west by the Indian nations, on the north by British America, on the west by the Atlantic, and on the south by Spanish America; containing the following states or colonies, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York,

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New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Vermont, Western Territory, and Kentucky.

The United States in the year 1776 were only 13 in number; Vermont, Kentucky, and the Western Territory, have been added since. The Western Territory is of such extent, that the Congress have determined to divide it into ten new states.

From the latest accounts it appears, that the population of the United States amounts to upwards of 3,083,600 persons, who are composed of almost all nations, languages, characters, and religions; the greater part, however, have descended from the English.

The



The language universally spoken through all these States is the English; in which the civil and ecclesiastical matters are performed, and their records kept. There are, however, great numbers of Dutch, French, Germans, Spaniards, Jews, and Swedes, who retain, in a great degree, each their native language, and have their respective places of worship; and, in general, live comfortably, and unmolested as to principles of conscience.

The United States, peopled and improved as a colony of England, and now become an independent and powerful nation, contain now about 5,000,000 of inhabitants, enjoy a fruitful soil, and a temperate climate. The southern States produce silk, and are capable of furnishing all the productions found in the south of France and Italy. More to the north, hemp, flax, corn, timber, tobacco, rice, &c. are to be found, all according to their respective latitudes. The sugar maple grows in numbers, and produces that article cheap and in abundance: in the middle climes, and towards the north, iron, pitch, and timber, make staple articles of trade.

America is a great country for agriculture, which will occupy the principal attention, and absorb the capital, of the inhabitants for a long period to come, during which time the produce of the soil will be exchanged for the manufactures of nations longer established, and farther advanced in arts and population, so as to consume the produce of the land which they inhabit. The emigrants who peopled America, carried there with them almost every species of art and manufacture; so that it is not for the want of knowledge that the manufactures do not come to great perfection; but because industry and capital find a better employment in the cultivation of the soil. The great wants of the people are supplied by their own industry; but the finer articles are sent from Europe, and principally from England.

The United States enjoy many great advantages: they have a free constitution, and have preserved, with a few exceptions, the jurisprudence of England. They are at a distance from all other nations who can disturb their peace, or subject them to large military establishments, or an expensive government. To these favourable circumstances are to be added, that while the inhabitants profit by the experience of old

nations, they labour under none of those old trammels which are imposed by former ages on the present race of men. If the world, in its present state, is considered as one great theatre, displaying the advancement, progress, and decay of mankind, the Turkish empire would present itself at one extremity, the United States at the other; Russia would be nearest the United States, and Spain in contact with the Eastern Empire and Italy; England, France, and the rest of Europe, would fill up the middle of the group, and the whole would form a picture of the fate of states from their origin till their decay.

The trade to America may be expected to increase in nearly the same ratio with its population, that is, it will double about once in 20 years; which affords a solid and sure market for the manufactures of England. USANCE is a certain time after the date of a foreign bill, limited for its payment, according to the custom of the places respectively through which the exchanges run. A double usance is double the accustomed time; an half usance, half the time.

Where it is necessary to divide a month, an half-usance shall contain 15 days, notwithstanding the inequality in the lengths of the months.

The following are the regular usances from and to different countries:

AMSTERDAM. The usance of this place is, for bills from Germany and Switzerland, except Geneva, 14 days sight; Danzig, Königsberg, and Riga, 1 month sight; Antwerp, Geneva, and London, and all France, 1 month after date; Italy, Spain, and Portugal, 2 months date. Bills from this place are drawn on Italy, Spain, and Portugal, generally at 2 months, or at usance; on France, Geneva, London, and Hamburg, at 1 or 2 usances; on Danzig, 40 days date; on Brislav and Vienna, at 6 weeks. There are 6 days grace.

AUGSBURG. Fifteen days; 1 and a half usance, is 23 days; 2 usances are 30 days, after sight.

The payment of bills is made here every Tuesday, and what is not settled on that day by balancing accounts, must be paid on the Wednesday following.

Thus bills due on a Tuesday have but one day's grace; whereas bills due on Wednesday, enjoy 8 days, being paid only the next Wednesday. Bills

drawn payable on a certain day, or at sight, must be paid within 24 hours after presentation.

**BARCELONA.** See *Spain*.

**BERLIN.** The usance for bills drawn on this place, is 14 days after sight: there are 3 days grace. Berlin draws on Amsterdam, Breslaw, Hamburg, and Leipzig, at 4 or 5 weeks date, and at sight; on London and Paris, 2 months date.

**BOLOGNA.** All parts of Italy the usance is 8 days sight, exclusive of the day of payment or acceptance; from Palermo and Messina, 1 month sight; from Flanders, France, and Holland, 2 months after date; from London and the Levant, 3 months after date. Bills drawn at a fixed day, or a few days after date, must be presented the day after their maturity, and then paid, or they are protested. Bills drawn on foreigners here, are placed in the hands of the notary general, with whom the payment must be made, and if the acceptor does not appear in due time, the bills are protested.

**BREMEN.** The usance of this place for bills from Germany, is 14 days sight; from London, 1 month after date: there are 8 days grace: but bills drawn on demand, at sight, or at 2, 3, or 4 days sight, have no days of grace, although it is customary to take them. Amsterdam, London, and Paris, draw generally 2 months date, or 2 usances. Germany at usance, and sometimes at 1, 2, or 3 months date.

**BRESLAW.** Fourteen days after sight; half a usance is 8 days. Bills drawn at this place, and that are not payable at the fairs, have 3 days grace; but those at the fair are paid on the day of general settlement. Breslaw draws on Amsterdam at 5 weeks date, or long sight; on Berlin, Frankfurt, Konigsberg, at 8 and 12 days date, or at sight; on Hamburg, long sight, or 4 weeks date; on London and Paris, at 2 or 3 months.

**CADIZ.** From all foreign countries the usance is 60 days: there are 6 days grace. Cadiz draws on Amsterdam, London, and Paris, at 1 or 1½ usance, and at 2 and 3 months; and at 60 and 90 days on Genoa; Lisbon, Leghorn, Naples, and Venice, at so many days sight; on Hamburg, at 90 days date.

**COPENHAGEN.** No usance; and bills drawn on this place are fixed to pay at sight on a certain day, or so many months after date. Copenhagen draws

on Altona, Amsterdam, and Hamburg, at 14 days sight, and 2 months date; on London and Paris, at 2 months both after date and sight: there are 8 and 10 days grace.

**DANZIC.** Fourteen days after acceptance, and there are 10 days grace. Bills at sight, and such as are presented after the days of grace are elapsed, must be paid within 24 hours after being presented, or be protested; but those that are drawn at a few days sight, or under 14 days, have only 3 days grace. A law in this place prohibits the renegotiating of bills in foreign countries. Danzig draws on Amsterdam at 40 days date, and likewise at 70 days date, and at sight; on Hamburg, at 3 and 6 weeks date; on London, at 3 months.

**FLORENCE.** Same as Leghorn, except for bills from Venice and Rome, which is 14 days; from Bologna, 8 days sight. Florence draws on Bologna, Leghorn, and Milan, at 3 and 8 days sight; and on Naples, Rome, and Venice, at so many days sight, or after date: there are no days of grace at this place.

**FRANKFORT UPON MAYN.** Fourteen days after acceptance, including Sundays and holidays. Bills drawn at sight, or at a few days sight, have no days of grace; but those of a longer sight or date, have 4 days grace, exclusive of Sundays and holidays. Frankfurt draws on Amsterdam, Augsburg, and Hamburg, at so many days sight, at usance of 14 days sight, and at 3 months date; on Leipzig, at 14 days sight, and also payable in the fair; on Lyons, likewise payable in the fair; on Bourdeaux, at 1 month's date; on Paris and London, 2 months; on Bremen and Vienna, at so many days sight, at usance of 14 days, and at 2 months.

**GENEVA.** Bills from Holland, England, and France, the usance is 1 month of 30 days; from Germany and Italy, 15 days sight. In defect of payment at maturity of a bill, it must be protested on the 5th day afterwards, exclusive of Sunday. Geneva draws on Amsterdam, Paris, and London, at 3 months, seldom at 2 months date; on Genoa, Leghorn, Milan, and Turin, at 8 days sight; on Lyons, at sight, and also in the fair.

**GENOA.** For bills drawn on this place from London and Lisbon, the usance is 3 months, from Amsterdam, Spain, and Sicily, 2 months; from France, 1 month  
after

after date; from Ancona, Civita Vecchia, Naples, and Trieste, 22 days after sight; from Bergamo, Brescia, Rome, and Venice, 15 days sight; from Augsburg and Vienna, 14 days; from Florence, Leghorn, Milan, and Turin, 8 days sight. Genoa draws after the same manner on the said places respectively; but on Palermo at 20 days sight. The government allows 30 days grace to the acceptor of a bill; but the holder is not obliged to wait so long, and may get the bill protested the next day after it falls due: in general they wait till the day of the departure of the mail.

**HAMBURGH.** Bills drawn on this place from Germany, are at 14 days sight; from England, Holland, and France, 1 month date; from Italy, Spain, and Portugal, 2 months date: there are 11 days grace, which merchants seldom take. Hamburg draws on Amsterdam, at short sight, and at 8 and 14 days sight, 1, 2, or 3 months; on Breslaw, 6 weeks date; on Augsburg and Nuremberg, at 33 days date; on Prague and Vienna, at so many days sight, and 6 weeks date; on Paris and Bourdeaux, 1 and 2 usances of 1 or 2 months, and sight; on Copenhagen, at short sight, and 2 months date; on Lisbon, Spain, and Venice, 1 and  $1\frac{1}{2}$  usance, or 2 or 3 months; on London, at short sight, 1, 2,  $2\frac{1}{2}$ , and 3 months.

**LISBON.** From Spain, 15 days; from London, 30 days after sight; from Holland and Germany, 2 months; Italy and Ireland (since 1794) 3 months after date; from France, 60 days after date; Lisbon draws generally on Amsterdam and Hamburg, at 1 and  $1\frac{1}{2}$  usance; on Genoa and Leghorn, 1 usance; on Paris, at 60 days date; on London, at 30 days sight. There are 15 days grace on bills drawn from the provinces, or from the colonies beyond the seas, and 6 days only on bills drawn by foreign countries. If the bill is not accepted, no days of grace are allowed, and must be protested when due.

**LEGHORN.** From Amsterdam, Antwerp, Cadiz, Cologne, Hamburg, and Madrid, 2 months date; Bergamo, Brescia, Cremona, Mantua, Naples, Placentia, Reggio di Mantua, and Venice, 20 days date; Bari, Lecce, Tarinta, 27 days sight; Bologna, Ferrara, Florentia, Lucca, Pisa, and Sienna, 3 days sight; Genoa, Milan, Massa, and Turin, 8 days sight; Pisa and Rimini, 10 days sight; Augsburg and Vienna, 22 days date; Ancona, 10 days sight; Avig-

non, 45 days date; Lyons, 3 days after acceptance; Lisbon and London, 3 months date; Paris, 1 month date; Perugia, 5 days sight; Rome, 10 days sight, or 15 days after date; Sardinia, 1 month sight; Switzerland, 8 days sight; Sicily, 1 month sight, or 2 months date. Leghorn draws on the above-mentioned places after the same manner, except on the following; on Ancona, at 22 days sight; Augsburg, 15 days sight; Geneva, 1 month date; Milan, 15 days sight; Messina and Palermo, 45 days date; Naples, 34 days date; Rome, 21 days date; Turin, 15 days sight; Venice, 5 days sight. There are no days of grace allowed in this place.

**LONDON.** From Germany, Holland, and Flanders, 1 month date; from Spain and Portugal, 2 months date; Italy, 3 months date. London draws on Hamburg and Altona generally at  $2\frac{1}{2}$  and 3 usances, and often at a shorter period, and at so many days sight; on Amsterdam and Rotterdam, at 2 usances, and at sight; on Paris and Bourdeaux, at 2 and 3 months; on Bilbao, Cadiz, and Madrid, at 1 and a half usance, and at 90 days date; on Lisbon and Porto, 30 days sight. There are 3 days grace on all bills, except those on sight, which must be paid on presentation.

**MADRID.** See *Spain*.

**NAPLES.** On Bari and Lecce, is 15 days after sight; on Genoa, 22 days after sight; on Leghorn and Rome, 20 days date; and Venice, 15 days after acceptance. The usance of bills drawn on Naples is, from Rome, Genoa, Leghorn, Venice, Sicily, 20 days after acceptance. From places in the kingdom of Naples, the usances is 15 days after acceptance. The acceptance always takes place the next following Saturday after the arrival of the post, and you cannot protest before that day. Bills at sight must be paid 24 hours after presentation. Bills after sight or date, must be accepted on the day of presentation, and be paid when due, without waiting for the next Saturday. Bills drawn at 2 usances, are payable at 37 days after acceptance; the reason is, that, in fact, the usance was 15 days, and not 22 days; but the merchants agreed to add 7 days to the period of each bill. Thus, 2 usances are 30 days, and the 7 days more make 37 for usances; therefore bills at 3 usances would be due 52 days after acceptance.

**PALERMO AND MESSINA.** From Naples, Ancona, Rome,

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Rome, and Venice, is 21 days sight, and from every other part of Italy, 15 days sight; from France, 30 days after date; from Amsterdam, Antwerp, Hamburg, Portugal, and Spain, 2 months date; and from England, 3 months date. There are no days of grace. Palermo and Messina draw on Leghorn and Genoa at usance of 1 month after acceptance, and at 2 months after date, or so many days after sight or date. On London, at 3 months, or 90 days date; on Naples, Rome, and Venice, from 8 to 15 days sight.

PARIS, BOURDEAUX, and LYONS. The usance of France is for bills drawn in Spain and Portugal, 60 days, and from other countries 20 days. There are 10 days of grace, in which the day when due is not included. Paris and Bourdeaux draw on Amsterdam, Cadiz, Madrid, Genoa, Hamburg, Leghorn, and London, at 60 days date; Marseilles equally so, except on Genoa 30 days, and on Leghorn and Naples at 45 days date. There are four fairs in Lyons, in which generally all the payments of bills on that place become due. The time when bills must be paid is called payments, and commences in

1 Fair	-	-	-	1st March.
2 Fair	-	-	-	1st June.
3 Fair	-	-	-	1st September.
4 Fair	-	-	-	1st December.

The acceptance of all bills payable in these fairs, must be obtained from the 1st of the month till the 6th, and after that day, you may either protest for non-acceptance, or wait till the last day of the month, when you may protest at once for non-acceptance and non-payment. From the 16th of the month of the fair, the merchants settle their accounts by writing to and from, which is called *les virements des parties*; this lasts till the end of the month, and what is not then settled and written off or balanced, must be paid in cash 3 days after the fair, or the last day of the month.

PETERSBURGH, MOSCOW, and ARCHANGEL, draw on Amsterdam and Hamburg at 65 days, and on London at 3 months date. Bills drawn on Russia, and which generally run at so many days date, have 10 days grace; those at so many days sight, only 3 days; and those at sight, or a few days after sight, have no days grace; but bills that are presented after

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they are due, have the full 10 days grace. In Russia they still continue to observe the old style, therefore 12 days must be added to the date of bills drawn thence. There is no direct exchange on Petersburg, but inland bills are generally paid the Saturday after due.

RIGA draws on Amsterdam and Hamburg at 36 and 65 days date; on London, at 3 months date; and for the rest has the same rules as Russia.

ROME: bills are at 15 days sight, whether drawn from this place, or drawn on it. The payment is always on a Saturday, so that if a bill is presented on that day of the week, it must be paid only 3 weeks after; and if accepted on a Friday, it will have to run 21 days. Rome draws on London at 3 months date; on Paris, 35 or 40 days date; on Amsterdam, Spain, and Portugal, 2 months date; on Florence, Genoa, and Venice, 10 days sight. There are no days of grace at Rome.

ROTTERDAM. See Amsterdam.

SPAIN. Bills drawn on Spain are at 60 days after date; for French bills only 1 month. Bills drawn in Spain have 8 days grace, and bills drawn in foreign countries on Spain have 14 days grace. Bills at sight must be paid when presented, or they must be protested. Bills not accepted have no days grace, but must be protested when due. Cadiz allows only 6 days grace. Spain draws on Amsterdam, Genoa, Hamburg, Lisbon, Leghorn, London, Naples, Paris, and Venice, at 2 and 3 months. Cadiz draws on all those places at 90 days date, except on Amsterdam at 2 months date only.

ST. GALL. The usance is the same as in Augsburg, 15 days after acceptance: there are no days of grace. Bills must be paid within 24 hours after they are due. St. Gall draws on Amsterdam and London, at 2 and 3 months date; on France, at 2 months; on Genoa and Milan, 1 month after date; on Augsburg, 15 days; Botzen and Frankfort-upon-Mayne payable in the fair.

STOCKHOLM and GOTHENBURGH. The usance in Sweden is 1 month after sight. All bills, except those at sight, or at 2 and 3 days sight, have 6 days grace. Sweden draws on Amsterdam at 35, 40, 65, and 70 days date; on Hamburg, 37 and 65 days, or 1 and 2 months date; on London, 45 and 70 days date;



date; on Spain, France, Lisbon, and Leghorn, at 2 and 3 months date.

**TURIN.** Bills drawn from France are at 1 month after date; from England, 3 months; from Holland, Netherlands, Hamburgh, Bremen, Spain, and Portugal, 2 months date; from Rome, Naples, Sicily, and Ancona, 21 days sight; from Bergamo, Bologna, Venice, and Tuscany, 15 days sight; from Genoa and Milan, 8 days sight; from all Germany, 15 days sight. A bill after date, or at a fixed period, must be presented at least within 2 months of its date, otherwise it is looked upon as a fault of the holder, and he must stand to the consequences. The same rule is adopted with bills after sight. There are 5 days allowed to the option of a holder of a bill to wait with the protest, and if the 5th day falls on a holiday, he can only demand the payment the next day, or have the bill protested. It is the custom here to pay bills due the first 3 days of the week, on Thursday, and those due the 3 last days of the week, on the next Monday.

**VENICE.** Bills from Hamburgh, Holland, Netherlands, and Spain, are at 2 months date; Lisbon and London, 3 months; Milan, Bergamo, Cremona, Reggio, Brescia, Ceneda, Conigliano, Este, Lodi, Mantua, Modena, Vicenza, Verona, Udina, 20 days date; Padua, Parma, Placenza, and Ostia, 20 days sight; Germany, Turin, Geneva, Genoa, Naples, Sicily, Switzerland, Nocera, Navarra, Otrando, Roveredo, and Lauriano, 15 days sight; Rome, Ancona, Toligno, Fano, 10 days sight; Florence, Leghorn, Bologna, Ferrara, Lucca, Pisa, Sienna, 5 days sight, and 6 days of grace.

**VIENNA** is 14 days after acceptance; there are 3 days of grace, except on bills that are drawn at less than 7 days sight. Vienna draws on Amsterdam and Hamburgh at 6 weeks, and at 2 months date; on Augsburg, Genoa, Leghorn, Milan, and Venice, at 4 weeks date; Constantinople, at 31 days sight; on London, at 2 or 3 months date; on Paris, at 6, 7, or 8 weeks date. It is customary here for every one to pay his acceptances with bills due; and it often happens that bills run 4, 6, and 8 weeks above their time. As soon as a person has such bill 24 hours in his possession, the last that paid it away is no more

responsible for the payment, and the holder must only look to the acceptor.

**USURY**, is receiving a higher interest for the loan of a sum of money, than is allowed by the laws of the country where the transaction takes place.

Formerly the receipt of interest for money lent, whatever that rate might be, was termed usury, for no interest was permitted to be taken by law; but now that term is applied in this country to taking more than five per cent. per annum.

It is not necessary that money should be actually advanced to constitute the offence of usury; but any contrivance or pretence whatever to gain more than legal interest, where it is the intent of the party to contract for a loan, will be usury; as where a person applies to a tradesman to lend him money, who, instead of cash, furnishes him with goods, to be paid at a future day, but at an exorbitant price, to secure himself more than legal interest upon the amount of their intrinsic value, this is an usurious contract. *Cowp.* 112. 770. *Doug.* 703, 312, 531.

By stat. 37 H. VIII. c. 9, it is enacted, that no person shall sell his merchandize to any other within three months after buying the same, or any part thereof, upon a lesser price, knowing them to be the same, on pain of forfeiting treble the value, half to the informer, and half to the king; and also to be punished by fine and imprisonment.

It is now settled that bankers, and others discounting bills, may not only take 5 per cent. for interest, but also a reasonable sum besides for their trouble and risk in remitting cash, and for other incidental expenses. 2 T. R. 52.

A borrower may be produced as a witness to prove the usury in an action on the penalty, if he swears that he paid the sum borrowed. 4 Burr. 2251.

If a bill of exchange or note is given in consequence of an usurious contract, it is absolutely void, even in the hands of an innocent person, who may have taken it in a fair and regular course of business, without any notice of the usury: and evidence of usury will be a good defence in an action brought upon such bill or note against the drawer, acceptor, or indorser. *Doug.* 73.

If a country banker discounts a bill, and takes interest

interest for the whole time the bill has to run, and, instead of paying money for the bill, gives notes payable in London three days after sight, it is usury. *Peake*, N. P. 200.

A banker in the country discounts bills at 4 months, and takes the whole interest for the time they have to run; the party applying for the discount being asked how he will have the money, directs part to be carried to his account, part to be paid in cash, and part by bills on London, some at 3, some at 7, and some at 30 days sight: this was held not to be usurious, since the surplus of interest taken by such banker so discounting, might be referable to the expenses attending on remitting.

If a promissory note be given for repayment of a sum lent with usurious interest, and the note when due be taken up, and another note substituted for it, the offence of usury is not thereby committed, nor is the penalty incurred until the latter note is paid. 7 T. R. 184.

If a borrower of money agree to replace stock sold out, for such loan on a certain day, or repay that money on a day subsequent, with such intervening interest as the stock sold out would have produced, this is not usurious, although the interest exceeded 5 per cent. unless such loan be a mere colourable transac-

tion, and a device to obtain more than legal interest. 8 T. R. 162.

A *bona fide* debt is not destroyed by being mingled with an usurious contract relating to it. 1 H. B. 462.

The existing laws respecting usury are rather to be deduced from the decisions of the courts, than from any written acts, as the various ways in which undue interest is given and received, surpass the powers of any written act to describe. In general any mode adopted, whether by the sale of goods, or of part goods, or other method employed, by which the person procuring a value convertible into money pays more than the law allows, is considered as usury, and was formerly known by the name of *shifts*, in times when all interest was forbidden to be taken.

When a banker, or other person discounting a bill, deducts the interest at the time, he receives in reality at the rate of 5½ per cent. per annum; but this is not considered as usury.

Where the obligation to repay is not absolute, but depends upon certain contingencies, then there is no fixed rate of interest allowed by law, and an action for usury cannot be maintained. See *Bottomry*, *Respondentia*, *Post Obitt Bonds*, and *Interest of Money*.

## W.

### W A L

**W**AGER, *Policy of*. See *Insurance*, *Marine*.

**WALES**. The north-west coast of England is still known by the name of North and South Wales, which remained long separated from England after the conquest. It is a mountainous country, resembling Scotland, Auvergne, or Switzerland. The manners of the inhabitants still retain those traits by which the inhabitants of such countries are generally distinguished. It carries on little trade, though

### W A L

they have great mines of copper, and also iron works, which are very productive. The commodities furnished for the interior are principally sheep and cattle.

**WALES, NEW SOUTH**, or **NEW HOLLAND**, a very large island in the South Sea, reaching from 10 to 44 degrees south latitude, and between 110 to 154 east of London, being about 2400 miles from north to south, and 2300 from east to west, and under a latitude

tude that may be expected to afford an excellent climate.

The interior of this immense island is little known, but it neither has the fine rivers, variety of animals or vegetables, that are found in other parts of the world.

In 1788 the first settlement was made by the English on that island by a small squadron under Governor Phillips, who chose for the principal settlement a situation on the east side of a cove in Port Jackson, which he named Sydney Cove, latitude south 33 deg. 52 min. 30 sec. and its longitude 152 deg. 19 min 30 sec. east. The new settlers consisted of criminals convicted, and whose sentence was either transportation, or had been mitigated to it by an exertion of royal mercy. The history of the progress of such an establishment must be, and is, very curious and interesting; but the plan of this work will not enable it to be entered upon at any considerable length in this place. The great distance and expence prevent a voluntary emigration from taking place to that country, as was the case with the colonies in America. The colony at this time consists of nearly 10,000 persons, and it increases at a great rate. The consumption of English manufactures will be considerable there in time, as English manners will prevail: and it must be many centuries before it can, if ever it does, become a manufacturing country. Coal and limestone are found near the settlement, and hemp is raised with facility and in abundance. It is expected that the seal and whale fishery may be established there to advantage; but unless the colonists find out some production to exchange for European goods, it must not only retard the progress of commerce, but of the colony itself.

**WAR.** When hostilities break out between nations, then all commercial relations cease, and the ships of other nations become subject to those laws respecting contraband of war which have so long occupied the powers of the north, and which for the present appear to be regulated by the treaty with Russia. It is a question not determined, whether, when war is ended, those treaties of commerce, which previously existed, are renewed by a tacit consent or not, when no mention is made of them in the treaty of peace that terminates hostilities.

The subjects of the different powers are liable to be compelled to quit the dominions of the enemy, and even to have their effects seized, as was the case lately in Russia; but in general that rigorous measure is not adopted, and frequently the treaties of peace between nations lay down regulations on this head in case of the breaking out of hostilities at a future time. See *Treaties* and the *Law of Nations*.

**WAREHOUSED GOODS,** are certain articles which are permitted to be warehoused upon securities being given by the merchant for payment of the duties. This mode is productive of considerable advantages to commerce, and is peculiarly convenient to the merchant. At Liverpool a tobacco warehouse has been erected, similar to the tobacco warehouse in the metropolis, which is rented by government at the annual sum of 500l. for the purpose of storing tobacco imported until the duties are paid. The tobacco, upon landing, is immediately rolled into the warehouse, where it is examined, weighed, and secured, and thus preserved from that smuggling and pilfering which has been so much complained of in the London river. The general advantages of the warehousing system have been so fully proved, that it is in the contemplation of the legislature to extend it to various other articles.

By stat. 39 G. III. almost the whole of the Indian imports were placed under an extensive system of warehousing, by which the company are relieved from the former higher duties, payable upon home consumption, in consequence of the purchasers or proprietors of such goods being previously bound to pay to the proper officers of the customs the several duties upon the different articles of Indian import, under the denomination of home consumption duty.

By this act all East India goods, except bullion, diamonds, precious stones, tea, cotton wool, nutmegs, cloves, mace, cinnamon, and by 39 and 40 G. III. saltpetre, are permitted to be warehoused, upon the company's securing to pay by bond, in four months after their respective sales, certain duties *ad valorem*, no part of which is drawn back upon exportation. The goods are sold by the company clear of this duty, as it is included in the sale price; and persons may purchase such goods directly from the warehouses without payment of any other duties, with

with this restriction, however, that if these goods are exported to Europe, such exportation must be in vessels of 100 tons or upwards; and if any such goods are taken out for home consumption by the proprietors, they are previously to pay the several duties respectively attached to such goods to the proper officer of the customs.

By this regulation all drawbacks are abolished, except upon the following articles: Nankin cloths, muslins or white calicoes, flowered or stitched, plain white calicoes, plain white dimitics, and tea, and other drawbacks are substituted. Sugar, spirits, tea, coffee, and various other articles may be warehoused. But, in consequence of some doubts, whether this regulation affected the excise duties upon certain articles of importation, it was declared by stat. 39 and 40 G. III. c. 59, that the excise duties upon spirits, wine, glass, cocoa nuts, and coffee, were not affected by this regulation.

WARRANTY. See *Insurance, Marine*.

WATERMEN. By 2 and 3 P. and M. c. 16, watermen's names are to be registered, and their boats shall be twelve feet and an half long, and four and an half broad, or be liable to forfeiture; and none shall ply on the river but such as have been apprentices to watermen for seven years.

No tilt-boat, row-barge, &c. shall take in above 37 passengers, and three more by the way, nor any other boat above eight passengers, on forfeiture of 5*l*. for the first offence, and 10*l*. for the second, &c. and in case any person be drowned where a greater number is taken in, the waterman to be guilty of felony.

Tilt-boats used between London bridge and Gravesend shall be 15 tons and not under, and the other

boats three tons. Rulers of the company of watermen are to appoint two officers, one at Billingsgate at high-water, and another at Gravesend, to ring a bell for the tilt-boats, &c. to be put off; and they not immediately proceeding in their voyage with two sufficient men, shall forfeit 5*l*. leviable on their boats, tackle, &c.

It is now nearly nine years since a power was conferred upon the court of aldermen for making regulations for enforcing the acts, in consequence of which several attempts have been made by the city and their officers to make such arrangements as should least injure the prejudices of individuals, but hitherto without effect.

These regulations are now, however, speedily expected, and in matters of this nature private feelings ought to yield to public justice and public convenience.

WEIGH, a quantity of cheese, wool, and some other articles, containing 256 lb. avoirdupois. A weigh of corn contains 40 bushels, of barley and malt six quarters. In some places, as in Essex, the weigh of cheese is 300 lb.

WEIGHTS and MEASURES. Weight, in commerce, denotes a body of a known weight, appointed to be put in the balance against other bodies whose weight is required to be known.

The security of commerce depending in a good measure on the justness of weights, which are usually of metal, most nations have taken care to prevent the falsification thereof, by stamping or marking them by proper officers, after being adjusted by some original standard. In England the standard weight is kept in the Exchequer.



TABLE showing the correspondent Weights of different Places in Europe.

	Of England, Scotland, and Ireland.		Of Antwerp or Brabant.		Of Rouen, the viscounty.		Of Lyons, the city-weight.		Of Rochelle.		Of Toulouse and Upper Langue-doc.		Provence.		Of Geneva.		Of Hamburg.		Of Frankfurt, &c.		Of Leipzig, &c.	
	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.
England, &c.	100	c 91	8 96	8 88	c 106	0 93	9 107	11 113	8 89	0 81	7 93	5 89	7 96	1								
Amsterdam, Paris, &c.	109	8 100	0 105	8 96	4 116	0 99	0 118	0 123	8 89	0 102	0 98	0 105	0									
Antwerp	103	12 94	12 100	0 91	4 110	0 93	13 111	12 117	8 84	5 96	10 92	13 99	8									
Rouen	113	14 104	0 109	12 100	c 120	8 102	13 122	11 128	8 92	9 106	0 102	0 109	4									
Lyons	94	3 86	0 90	12 82	12 100	0 85	2 101	8 106	4 76	8 87	12 84	4 90	5									
Rochelle	110	9 101	0 106	8 97	3 117	0 100	0 119	3 124	12 89	14 103	0 99	0 106	8									
Toulouse, &c.	92	6 84	12 89	8 81	8 98	5 83	15 100	0 105	4 75	7 86	7 83	0 89	8									
Marseilles	88	11 81	0 85	8 78	0 94	0 80	3 95	9 100	0 72	8 10	7 99	0 85	8									
Geneva	123	0 112	6 118	8 108	0 130	5 111	6 132	9 128	4 100	0 114	10 110	2 118	0									
Hamburg	107	5 98	0 103	8 94	4 113	0 97	0 115	0 121	0 87	4 109	0 89	11 102	15									
Frankfurt, &c.	111	11 102	0 107	8 98	3 118	5 101	0 120	6 126	0 90	12 104	0 100	0 107	1									
Leipsic, &c.	104	5 95	4 100	0 91	12 110	8 94	4 112	6 117	12 84	12 92	2 93	5 100	0									
Genoa	73	0 66	7 70	5 64	0 77	5 66	0 78	10 82	5 59	5 68	0 65	5 70	0									
Leghorn	75	8 69	0 72	12 66	6 80	0 68	5 81	6 85	4 61	7 67	10 72	8										
Milan	65	3 59	0 63	6 57	12 69	10 59	6 69	10 73	8 53	0 60	1 58	5 102	8									
Venice	65	11 60	0 63	6 57	12 69	10 59	6 69	10 73	8 53	0 60	1 58	5 102	8									
Naples	64	10 59	0 62	4 57	0 68	7 58	6 69	10 73	8 53	0 60	1 58	5 102	8									
Seville, Cadiz, &c.	103	7 94	8 99	12 91	0 109	10 93	5 111	8 116	11 84	2 96	6 03	10 99	4									
Portugal	95	4 87	8 92	0 84	4 101	8 86	0 103	4 108	5 84	8 96	14 93	0 09	12									
Lige	104	0 95	c 100	3 91	7 110	3 94	0 112	0 117	5 84	8 96	14 93	0 09	12									
Russia	88	12 81	4 85	1 78	0 99	8 80	6 95	9 100	5 72	4 83	13 79	8 85	4									
Sweden	93	7 85	8 90	2 82	3 99	c 84	9 100	9 105	0 76	1 87	3 83	9 89	12									
Denmark	111	12 102	4 107	13 98	5 118	7 100	15 120	5 126	4 91	0 104	4 99	14 107	5									

are equal to

100lbs. weight of

TABLE continued.

		OF Genoa.		OF Leghorn.		OF Milan.		OF Venice.		OF Naples.		OF Seville, Ca-		OF Portugal.		OF Liège.		OF Russia.		OF Sweden.		OF Denmark.	
		lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.	lb.	oz.
England, &c.		137	4 132	11 153	11 152	0 154	10 97	0 104	13 96	5 112	3 107	1 89											
Amsterdam, Paris, &c.		150	0 45	0 168	0 166	0 169	0 166	0 114	8 105	4 123	1 117	0 97											
Antwerp		142	2 137	6 159	3 157	1 166	2 168	0 108	8 99	11 110	1 110	0 92											
Rouen		156	0 150	13 174	11 172	1 175	12 110	4 119	0 169	7 128	0 121	1 101											
Lyons		129	0 124	11 144	8 142	1 145	6 91	3 98	8 90	8 106	0 101	0 84											
Rochelle		151	8 146	7 109	11 167	10 170	11 107	0 115	1 126	5 124	1 117	0 88											
Toulouse, &c.		127	2 122	14 142	6 140	0 143	4 89	13 97	0 89	3 104	0 99	1 83											
Marseilles		121	8 117	7 136	1 134	8 136	14 85	13 92	12 85	4 99	0 94	1 79											
Geneva		168	9 163	0 188	13 186	8 189	14 119	2 128	8 118	4 138	1 131	1 59											
Hamburg		147	0 142	2 164	10 162	11 165	10 103	13 112	4 103	2 120	1 114	0 95											
Frankfort, &c.		153	0 147	14 171	6 169	5 172	6 108	2 116	13 107	6 125	1 119	1 100											
Leipsic, &c.		142	3 38	1 160	0 158	2 161	0 161	0 169	0 150	4 117	1 111	0 93											
Genoa		100	0 96	11 112	0 110	11 112	11 70	11 76	5 70	6 83	79	66											
Leghorn		103	8 100	0 116	0 114	8 116	9 73	0 79	0 72	10 84	60	67											
Milan		89	4 86	4 100	0 98	12 100	8 63	0 68	2 62	10 73	70	68											
Venice		90	0 87	0 100	13 100	0 101	6 63	0 68	11 63	2 74	70	68											
Naples		88	8 85	8 99	2 98	0 100	0 62	8 67	9 62	0 72	1 69	57											
Seville, Cadiz, &c.		141	12 137	0 158	12 156	14 159	12 100	0 108	3 99	14 116	0 110	0 92											
Portugal		131	4 126	13 147	0 145	4 148	0 92	12 100	0 92	0 107	1 102	85											
Liège		142	8 137	12 159	9 157	11 160	10 100	9 108	12 100	0 116	1 111	0 92											
Russia		121	13 117	13 136	7 134	15 137	4 86	3 93	1 85	8 100	0 95	0 70											
Sweden		128	3 124	0 143	9 142	0 144	7 90	0 97	15 90	0 105	1 100	0 83											
Denmark		153	5 148	4 171	11 169	13 172	12 109	1 117	11 07	16 125	1 119	1 00											

100 lbs. weight of

are equal to

Regulation of weights and measures is a branch of the king's prerogative.

By a Report from the committee of weights and measures in the year 1758, page 61, the avoirdupois pound of the Exchequer is declared to be 1 lb. 2 oz 11 dwts. 18 grs. = 7002 grains.

By a table in the report of the committee of 1759, the avoirdupois pound appears to be equal to 1 lb. 2 oz. 12 dwts. 0 gr. = 7008 grains.

N.B. The pound troy contains 5760 grains.

In 1758, it was resolved that the troy-weight should be the only weight to be used for the future; and accordingly a troy pound was made and adjusted by Mr. Harris, and delivered by the committee of the House of Commons as a standard; but practice or custom, together with the circumstance of avoirdupois-weight having been used in collecting the revenue, have prevented this law from taking its full effect, and both troy and avoirdupois are still in use.

#### TABLE OF TROY-WEIGHT.

24 Grains 1 penny-weight
20 Pennyweights 1 ounce
12 Ounces 1 lb. or 5760 grains.

#### AVOIRDUPOIS WEIGHT.

16 Drains 1 ounce
16 Ounces 1 pound
28 Pounds a quarter
112 Pounds one hundred weight
20 Hundred weight 1 ton.

MEASURE, a certain quantity or portion of any thing denoting its dimensions or extent. There are three sorts, *long, square or superficial, solid or cubical.*

The following table shews the proportion between the English foot consisting of 12 inches, supposed to be divided into 1000 parts, and the measures of other countries.

	<i>Feet.</i>	<i>Inches.</i>
English foot . . .	1,000	12
Paris foot . . .	1,068	12,816
Venetian foot . . .	1,162	13,944
Rhinland foot . . .	1,033	12,396
Strasbourg foot . . .	952	11,424

	<i>Feet.</i>	<i>Inches.</i>
Nuremburgh foot . . .	1,000	12
Dantzic foot . . .	944	11,328
Danish foot . . .	1,042	12,504
Swedish foot . . .	978	11,733
Derahor cubit of Cairo . . .	1,824	21,888
Persian arish . . .	3,197	38,364
Greater Turkish pike . . .	2,200	26,4
Lesser Turkish pike . . .	2,131	25,573
Braccio at Florence . . .	1,913	22,956
Braccio for woollen at Siena . . .	1,242	14,904
Braccio for linen at Siena . . .	1,974	23,688
Canna at Naples . . .	6,880	82,56
Vera at Almaria and Gibraltar . . .	2,760	33,12
Palmo di architetti at Rome . . .	732	8,784
Canna di architetti . . .	7,320	87,84
Palmo di braccio di mercantia . . .	6,954	83,46
Genoa palmo . . .	8,15	9,78
Bolognian foot . . .	1,250	15
Antwerp ell . . .	2,283	27,396
Amsterdam ell . . .	2,268	27,216
Leyden ell . . .	2,260	27,12
Paris drapers ell . . .	3,929	47,148
Paris mercers ell . . .	3,937	47,244

#### DIFFERENT ITINERARY MEASURES.

A French league is about	2 $\frac{1}{4}$	English miles.
A German mile . . .	4	ditto.
A Dutch mile . . .	3 $\frac{1}{2}$	ditto.
An Italian mile . . .	3 $\frac{1}{2}$	ditto.
A Spanish league . . .	3 $\frac{1}{2}$	ditto.
A Russian verst . . .	3 $\frac{1}{2}$	ditto.

#### SQUARE, SUPERFICIAL, OR LAND-MEASURE.

English square miles are raised from the yard of 36 inches multiplied into itself, and thus producing 1296 square inches, which constitute the square yard, and the multiples, poles, roods, and acres. The length of a pole is 5 $\frac{1}{2}$  yards; the square of the same contains 30 $\frac{1}{4}$  square yards; a square mile contains 640 square acres.

#### CUBIC MEASURES, OR MEASURES OF CAPACITY FOR LIQUIDS.

The English measures were originally raised from troy-weight, it being enacted by several statutes, that eight pounds troy of wheat gathered from the middle

of the ear, and well dried, should weigh a gallon of wine measure, the divisions and multiples whereof were to form the other measures; at the same time also it was ordered that there should be but one liquid-measure in the kingdom, yet custom has prevailed; and there having been introduced a new weight, viz. the avoirdupois, we have now a second standard gallon adjusted thereto, which exceeds the former in the proportion of avoirdupois-weight to troy-weight. From this latter standard are raised two several measures, the one for ale, the other for beer. The sealed gallon at Guildhall, which is for wine, spirits, oil, &c. is supposed to contain 231 cubic inches, and on this supposition the other measures are raised therefrom.

The standard for measuring corn, salt, coals, and other dry goods in England (called dry-measure) is the Winchester gallon, which contains  $272\frac{1}{2}$  cubic inches, the bushel contains 8 gallons, or 2178 cubical inches; a cylindrical vessel  $18\frac{1}{2}$  inches diameter, and 8 inches deep, is appointed to be used as a bushel in levying the malt tax. A vessel of these dimensions is rather less than the Winchester bushel of 8 gallons, for it contains only 2150 inches. Five quarters of corn make a wey or load, and 10 quarters make a ton. In measuring sea-coal, 5 pecks make a bushel, 9 bushels make a quarter or vatt, 4 quarters make a chaldron, and 21 chaldrons make a score. In Staffordshire, Scotland, and wherever the coals are large, they are sold by weight, and not by measure.

By 37 G. III. c. 143, examiners, as often as directed by the justices, are empowered to enter in the day-time into any shop, millhouse, outhouses, and other premises near thereunto, and stalls or standing places of persons who sell by retail and weight any wares, provisions, goods or chattels whatsoever, and to seize any weights not being according to the standard in the Exchequer, or any false or unequal balance which shall upon such search be found therein; and the person upon whose premises such defective weight shall be found shall, upon conviction thereof, upon view or confession, or upon the oath of one or more witnesses, forfeit and pay for every such offence not more than twenty shillings, nor less than five shillings.

By s. 3, justices shall cause such defective weights or false balances to be broken and rendered useless, and the materials thereof to be sold, and the produce of the materials and forfeitures to be paid to the county treasurer. Selling by false measures may be punished either by fine, &c. or upon an indictment at common law, as well as by statute. By the 11 Hen. VII. c. 4, particular fines, and the punishment of the pillory, are enacted, &c. but the easier and more usual punishment is by levying, on a summary conviction, by distress and sale, the forfeiture imposed by the several acts of parliament adapted to particular frauds. All coals sold by wharf measure must be measured by the statute bushel of Queen Anne. See *Magna Charta*.

TABLE of the new Measures and Weights used in France.

	Integers.				
	1	10	100	1000	10,000
Measure of Length	Metre	Decametre	Hectometre	Kelometre	Myriametre
of Capacity	Litre	Decalitre	Hectolitre	Kelolitre	Myrialitre
of Weight	Gramme	Decagramme	Hectogramme	Kelogramme	Myriagramme
of Land	Are	Decaare	Hectaare	Keloare	Myriaare

The French weights, measures, and money are all divided and multiplied decimally. The decimal parts, decimes for 10ths, centimes for 100ths, and milles for 1000ths, with the integer for the termination, as in entire numbers. Thus, for example,  $1\frac{1}{10}$  of a metre is a centimetre.

In money the integer is termed a franc, which is supposed to be divided into 10ths and 100ths, called

decimes and centimes. Much might be said in favour of decimal arithmetic; but there are also some advantages on the side of the duodecimal mode we use, particularly on account of its dividing into quarters and thirds, which are integers: but this is too intricate a subject to be entered upon in this place; it must, however, be observed, that changes in regulations which long usage has sanctioned, are serious matters, and ought



ought not to be attempted without there is a real imperfection in the method in practice. The confusion it makes in the ideas of the existing race is great if they adopt the new mode, and all books that treat of such subjects for time past, are rendered unintelligible to posterity; for it is not sufficient that by an effort of thinking one may recollect measures and weights that have been in use, and compare them with those employed at present; as after all, it gives but a very imperfect understanding of the subject. This is perhaps the greatest objection to adopting the plan, otherwise so admirable, of a general standard for weights and measures fixed upon some invariable basis.

**WHARFAGE**, money paid for landing goods at a wharf, or shipping goods from thence into a boat or barge. By 22 Car. II. c. 11, such rates only shall be taken for wharfage and cramage as shall be allowed by his majesty and the privy council. Table of rates to be hung up at the several wharfs in the city of London; and persons taking more than the rates allowed shall forfeit 10*l.* for every such offence. See *Customs, Custom-House*.

**WILL and TESTAMENT** is that disposition of property which is made by a person to take place after his decease. Every person capable of binding himself by contract is capable of making a will; also a male infant of the age of 14 years and upwards, and female of 12 years or upwards, are capable of making a will respecting personal estates only; but a married woman cannot make a will unless a power be reserved in a marriage settlement; but where personal property, however, is given to a married woman for her sole and separate use, she may dispose of it by will.

If a feme sole make her will, and afterwards marries, such marriage is a legal revocation of the will.

Wills are of two kinds, written and verbal; the former is most usual and secure. It is not absolutely necessary that a will should be witnessed; and a testament of chattels, written in the testator's own hand, though it has neither his name nor seal to it, nor witnesses present at its publication, will be good, provided sufficient proof can be had that it is his hand-writing. *Gilb. Rep.* 260.

By stat. 29 Car. II. c. 3, all devises of lands and tenements shall not only be in writing, but shall also be signed by the party so devising the same, or by

some other person in his presence, and by his express direction, and shall be witnessed and subscribed in the presence of the person devising by three or four credible witnesses, or else the devise will be entirely void, and the land will descend to the heir at law. A will, even if made beyond sea, of land in England must be attested by three witnesses. 2 *P. Wms.* 293.

A will, however, devising copyhold land, does not require to be witnessed; it is sufficient to declare the uses of a surrender of such copyhold lands made to the use of the will: the party to whom the land is given becomes entitled to it by means of the surrender, and not by the will. 2 *Atk.* 37. 2 *Bz. C. R.* 78.

A codicil is a supplement to a will, or an addition made by the person making the same, annexed to and to be taken as part of the will itself, being for its explanation or alteration, to add something to or take something from the former disposition, and which may also be either written or verbal, under the same restrictions as regard wills.

If two wills are found, and it does not appear which was the former or latter, both will be void; but if two codicils are found, and it cannot be ascertained which was the first, but the same thing is devised to two persons, both ought to divide; but where either wills or codicils have dates, the latter is considered as valid, and revokes the former.

**WINE**. See *Customs, Excise, Exportation, and Importation*.

**WITNESS**, one who is sworn to give evidence in a cause. If a man be subpoenaed as a witness upon a trial, he must appear in court on pain of 10*l.* to be forfeited to the king, and 10*l.* together with damages equivalent to the loss sustained by the want of his evidence to the party aggrieved. 3 *Black. Com.* 369.

But witnesses ought to have a reasonable time, that their attendance upon the court may be of as little prejudice to themselves as possible; and the court of King's Bench held, that notice at two in the afternoon to attend the sittings that evening at Westminster was too short a time. *Str.* 510.

Where a witness cannot be present at a trial, he may by consent of the plaintiff and defendant, or by rule of court, be examined upon interrogatories at the judges chambers.

No witness is bound to appear to give evidence in a cause unless his reasonable expences be tendered him; and

and if he appears, till such charge is actually paid him, except he both resides and is summoned to give evidence within the bills of mortality. 3 *Black. Com.* 169. See *Arrest, Evidence, Privileges*.

WOOL, either in a raw or manufactured state, has always been the principal of the staple articles of this country. The price of wool was in very early times much higher, in proportion to the wages of labour, the rent of land, and the price of butcher's meat, than at present. It was before the time of Edward III. always exported raw, the art of working it into cloth and dyeing being so imperfectly known, that no persons above the degree of working people could go dressed in cloth of English manufacture.

The first steps taken to encourage the manufacture of woollen cloths was by Edward III. who procured some good workmen from the Netherlands by means of protection and encouragement, which he wisely granted; a policy followed up by most of his successors. The value of wool was considered as so essentially solid, that taxes were voted in that commodity, reckoning by the number of sacks; and in proportion to the price of the necessaries of life and value of silver, wool was at least three times dearer than it is now. The manufacturing of cloth being once introduced into the country, the policy of preventing the exportation of the raw material was soon evident; and the first act made is that of Hen. IV. c. 2. s. 1, by which the exportation of sheep, lambs, or rams is forbidden under very heavy penalties.

By stat. 23 G. III. all former statutes respecting the exportation of wool and sheep are repealed, and numerous restrictions are consolidated in that statute. By this act if any person shall send or receive any sheep on board any vessel to be carried out of the kingdom, such vessel shall be forfeited, and the person so offending shall forfeit 3l. for every sheep, and suffer solitary imprisonment for three months. But wether sheep, by a licence from the collector of the customs, may be taken on board for the use of the ship's company; and every person who shall export any wool, or woollen articles slightly made up, so as

easily to be reduced again to wool, or any fullers earth or tobacco-pipe clay, and every carrier, shipowner, commander, mariner, or other person who shall knowingly assist in exporting, or attempting to export these articles, shall forfeit three shillings for every pound weight, or the sum of 50l. in the whole, at the election of the prosecutor, and shall also suffer solitary imprisonment for three months. But wool may be carried coastwise upon being duly entered, and security being given according to the directions of the statute to the officer of the port from whence the same shall be conveyed; and the owners of sheep within 5 miles of the sea, and ten miles in Kent and Sussex, cannot remove the wool without giving notice to the officer of the nearest port as directed by the statute. See *Exports, Imports, Manufactures*.

WRECK, such goods as after a shipwreck are cast upon the land by the sea, and left there within some county, for they are not wrecks so long as they remain at sea, being within the jurisdiction of the admiralty.

Various statutes have been made relative to wreck, which was formerly a perquisite belonging to the king, or by special grant to the lord of the manor; it is now, however, held that if proof can be made of the property of any of the goods or lading which come to shore, they shall not be forfeited as wreck. By the 3 Ed. I. c. 4, the sheriff of the county shall be bound to keep the goods a year and a day, that if any man can prove a property in them, either in his own right, or by right of representation, they shall be restored to him without delay.

By stat. 26 G. II. c. 19, plundering any vessel either in distress or wrecked, and whether any living creature be on board or not, or preventing the escape of any person that endeavours to save his life, or putting out false lights to bring any vessel into danger, are all declared to be capital felonies; and by this statute, pilfering any goods cast ashore is declared to be petty larceny. See *Burning and destroying Ships, Salvage*. See also *Jetsam, Flotsam, and Ligan*.

# Y.

## Y A R

**Y**ARMOUTH, a seaport town in Norfolk, seated on the river Yare, where it falls into the sea. Its population is estimated at 20,000, and it carries on an extensive commerce with France, Holland, and the northern and eastern seas; and its herring fishery is at once abundant and profitable. It is calculated that 50,000 barrels, or about 40,000,000 herrings, are cured there annually. The greater part is exported by the merchants of Yarmouth, and the rest by those of London, into Italy, Spain, and Portugal. The merchants of Yarmouth import the produce of Norway and the Baltic, such as linen, canvas, sail-cloth, and naval stores.

From Yarmouth are exported wool, from Leeds, Wakefield, Halifax, and other parts in Yorkshire; and lead, &c. from Derby and Nottingham. It is considered as the key of this part of the British coast.

## Y O R

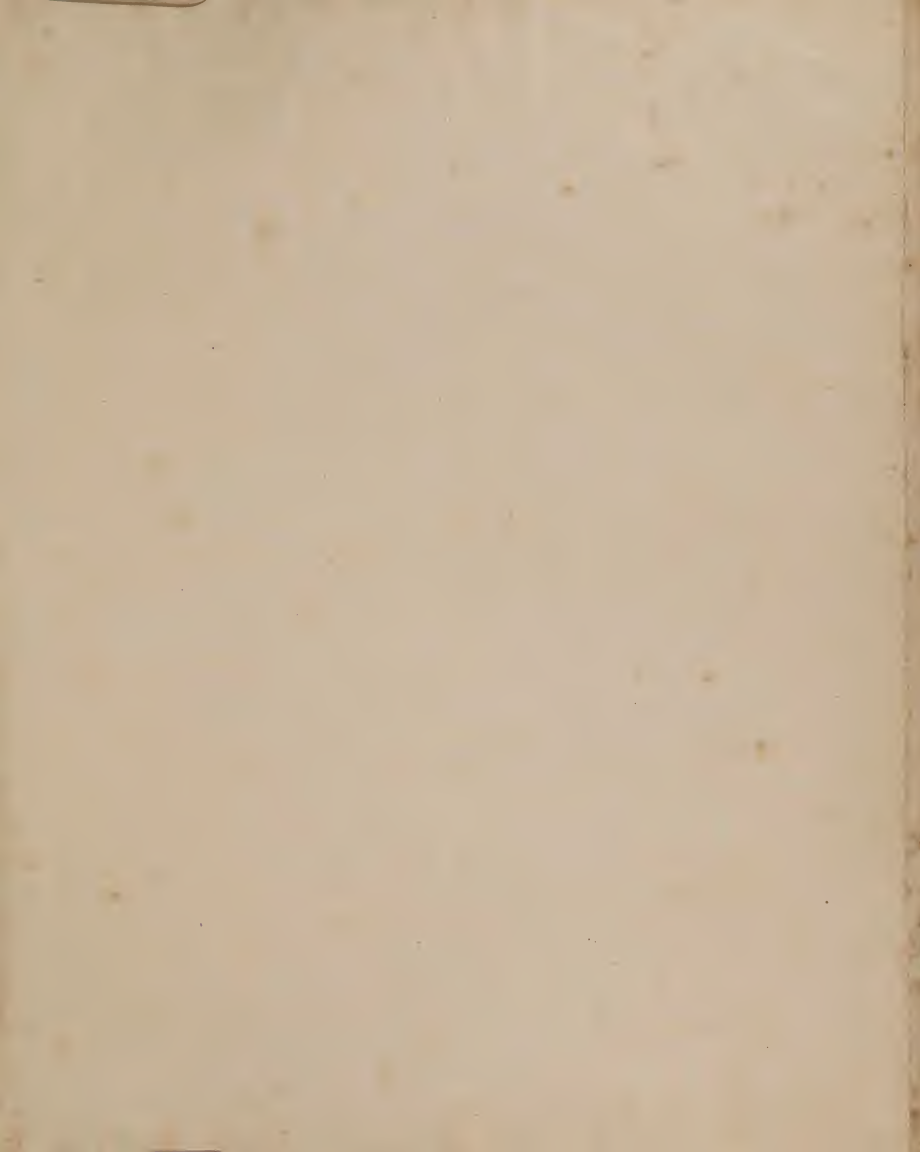
**YORKSHIRE**, the largest county in England. It is a very fertile country, and produces great quantities of corn and cattle. Its manufactures are woollen cloths of all sorts, kersies, and shalloons. The cutlery of Sheffield is famous, and esteemed all over the world; and the heavy iron works, established within these last 50 years, are likely to become not less so. Coal mines, and some of lead and copper, are found in this country, where the people are remarkably shrewd and industrious: the breed of horses superior to that of most other parts.

Hull is the principal sea-port, and carries on a very considerable trade, not only with the continent, but by coasting with other parts of England. York city is the chief town, and was a great place when the Romans had possession of England. It has been more than once the residence of the emperors of the world.

THE END.















MONTEFIORE  
COMMERCE  
DICTIONARY

